Class _____

Book _____

COPYRIGHT DEPOSIT

UNTOLD TALES OF CALIFORNIA

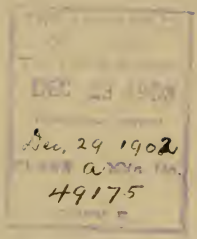
Short Stories Illustrating Phases of Life Peculiar to Early Days in the West

---

Embalmed in Book that they May Remain
When the Actors are Gone

By J. A. FILCHER

1903



F862
F47

TO the sturdy men who weathered the wilds of the West, and laid the foundation of the great Pacific States, is this little volume most reverently dedicated.

THE LIBRARY
OF CONGRESS

COPYRIGHTED
1903

PREFACE

INCIDENTS which occurred in the early days of California tell the story of the condition of society at that time, and the character of the men who hewed this State out of a wilderness, better than could be told in volumes of descriptive matter.

The men who were participants in, or at least witnesses of, many characteristic tragedies or other thrilling or interesting happenings of the earlier California life, and who have fascinated succeeding generations by their narratives, are fast passing to their reward, and very soon some of the richest true stories of Western life will be told for the last time unless they can be embalmed in literature while at least a few of the actors are yet here to authenticate them. "Untold Tales," which is to say unrecorded tales of California, is a theme worthy of the ablest pen, and the data necessary to its completeness is deserving of extended research. It may now be too late to do the subject full justice, as doubtless many interesting stories are

gone with those whose words or deeds created them.

It is with the view of recording a few incidents and happenings peculiar to early life in California, which otherwise might soon be forgotten, that the following brief stories are written, and not with any hope of doing the subject that full justice which ought to be done by some one who has more talent and time to devote to it.

THE AUTHOR.

CONTENTS.

I. Sam Aston - - - - - - - 9
II. Justice vs. Law - - - - - - 15
III. The Imperiled Miner - - - - 24
IV. Lost Sheep - - - - - - - 32
V. Encountering Wild Animals - - - 39
VI. Justice Jones - - - - - - 46
VII. Mountain Holdups - - - - - 58
An Irishman's Nerve - - - 58
Poor Fool Hardy - - - - - 60
Brave Dan Daly - - - - - 64
Last Holdup at Robber Bend - - 68
VIII. Teamster Stories - - - - 75
Teamster Black - - - - - 83
Mule vs. Horse - - - - - 92
A Teamster Convert - - - 105
Jack Robinson - - - - - 115
Hair Lip Pete - - - - 122
IX. Hiram Hawkins - - - - - 126
X. The Two Verdicts - - - - 132
XI. Hearts Were Trumps - - - 138
XII. A Twelve-Year-Old Hero - - 148

SAM ASTON--SEE PAGE 14.

CHAPTER I.

SAM ASTON.

SAM was an early California character, strikingly fitting the times and conditions. Physically he was a fine specimen of manhood. He was tall, muscular, and as straight as an Indian. He had a good head, a fine face, and an eye that was all love or all vengeance according to his emotions. He had great will power and his better nature dominated most of his acts. When aroused, however, he was a tiger, and woe to him who stood in his way. Whether mild or mad he seemed to know no such word as fear. Fortunately, however, he was seldom mad. Others in his presence might lose their temper and swear and fight and even shoot, but Sam on such occasions was usually cool, collected and good natured. While known to be afraid of no man and a match for any, his efforts were always for peace. As Mark Twain

said of Buck Fenshaw, "he would have peace if he had to fight for it." That is, Sam would interfere if needs be to stop an unequal fight or a shooting scrape where he saw some good man might be needlessly killed. He was always for fair play.

Such a man, as may be supposed, was personally very popular. But with all his natural endowments he could neither read nor write. This lack of learning, however, seemed to make no difference with the men in the mines when it came to the matter of choosing the first Sheriff of Placer, when the county was organized soon after the admission of California into the Union. Sam was overwhelmingly elected and in spite of his illiteracy he filled the office very acceptably.

Early in his term, and before the County had time to build even a jail, Sam arrested a Chinaman for sluice robbing. A little earlier the culprit would have been hung without ceremony to the limbs of the nearest tree, but now California was a State of the Union, it had a constitution and a code of laws, and officers chosen

to administer them. According to the moral code of the earliest miners, any man, whether white, black, red or yellow, who would rob a miner's sluice deserved to be hung on the spot, and this course was generally adopted. But the moral code had been superseded by the written code, and the law officers were bound to see that the offending Chinaman be tried and treated according to the written code. Hence, while one of Sam's deputies stood guard over the sluice robber a jury was impaneled to try the case.

Out under the spreading branches of a great live oak tree, the stump of which has been pointed to until recently as the scene of the earliest court trials in Placer County, the jury assembled, and with the judge seated on a camp stool and the jury on a log, the trial proceeded. The District Attorney prosecuted and a young lawyer (afterwards famous as a District and Superior Judge) defended. The testimony showed that the Chinaman had been caught in the act, and after brief arguments by the attorneys and a few words of instruction by the

Judge his case was submitted to the jury. They retired to the shade of another tree near by to deliberate, and in a few minutes returned with a verdict of "guilty."

The case now was up to the Court. He could not hang the Chinaman, and the county had no jail. Here was a dilemma. The Judge reflected for a few moments, and then as though relieved by a bright thought, he said:

"This man stands convicted of a very serious and aggravating offense, and yet under the laws of California we cannot hang him. The statute suggests imprisonment, and yet we have no prison. His offense must be discouraged. The miner, with no means to guard his claims except at the expense of needed sleep, and with no safe in which to lock his dust, must be protected from the depredations of thieves. To this end an example must be made of this offender. I think there can be no criticism if we administer to him severe corporal punishment. I, therefore, sentence this Chinaman to receive fifty lashes on the bare back, to be administered by the Sheriff, and I direct that he exert his full

physical force in executing the sentence and use the best blacksnake he can procure for the purpose."

When the Chinamen in camp heard that their countryman was to be whipped, a proceeding to them more humiliating and disgraceful than death, they became greatly agitated, and excitement and noise in Chinatown ran high. They hurried to the young attorney who had been employed to defend their countryman and eagerly asked if he could not stop the whipping.

"I can appeal the case," he said deliberately.

"How muchie?" "how muchie?" they chimed in chorus.

"Oh, about $500."

A hurried canvas resulted in collecting the dust, and after being weighed to satisfy the attorney that there was $500 worth, the latter took the gold and deliberately started up the hill to the cabin which was used by the Sheriff as office and headquarters.

On arriving there he said:

"Sam, you needn't execute the sentence on that Chinaman, I am going to appeal the case."

"You are going to what?" queried Aston.

"I am going to appeal the case."

"Peel be d——nd," said the Sheriff. "I peeled that scoundrel and turned him loose half an hour ago."

It is not recorded whether the attorney ever returned the $500 in gold dust to the Chinamen or not.

Aston's end was as tragic and sad as his life had been eventful and romantic. Like many another big hearted man his success proved his undoing. His convivial habits led to excesses. In later years he became a wreck. The last time the writer saw him he asked for the price of a drink. A few days later he was found in a little back store room of a mountain saloon. He was lying on his back with his mouth directly under the faucet of a barrel of whiskey. The faucet was turned, his mouth was full to the edge of his lips, a pool of liquor was all around him, and Sam Aston was dead.

CHAPTER II.

JUSTICE VS. LAW.

AWAY up in old Tuolumne a case occurred in early days which indicates the character of the men and the ideas of justice that dominated many of the mining communities at that time.

A quiet, unobtrusive stranger came into camp and, after looking around a day or two, he bought a claim and went to work. Before he had time to make much out of his purchase he bought two more claims, and soon afterwards another, and a little later still another. For each purchase he "pungled" down the dust, a circumstance which gave rise to the very natural conclusion that he must have plenty of money.

He was a good man for the camp and was appreciated as such, especially as his dealings were fair and his general conduct above reproach. He was regarded as somewhat of a

mystery, but what did the miners care who he was or where he came from, or what his antecedents were, so long as he had money and showed a willingness to invest it and a disposition to treat everybody fairly.

He lived alone in a little cabin which he bought with one of the claims. In discussing the subject of his wealth, and its supposed location, the opinion was often expressed that hidden in or around that cabin there was a good deal of gold.

The stranger wore well on acquaintance. The better the boys knew him the better they liked him. He attended strictly to his own business, while treating every body, whether day laborer, mine owner or gambler, with equal consideration and respect.

One morning he did not show up at his claims, and a man who was sent to ascertain the cause found his disfigured remains lying on the cabin floor in a pool of blood. The alarm was given and a hasty investigation showed plainly that he had been murdered. His head was crushed in, his throat was cut, and there were several

knife wounds in the body, any one of which would have proven fatal. The contents of the cabin were badly disarranged, showing that after committing the crime the murderer had turned everything upside down in his search for hidden treasure. The bed ticking was ripped open and the floor torn up, so thorough had been the search for the dead man's money.

As may be supposed the camp was desperately aroused and a miners' meeting was called immediately to determine on a course of procedure. In those days it was customary to refer everything to a miners' meeting.

Suspicion pointed to a young gambler in the camp, who had recently been playing in hard luck, and when he did not put in an appearance at the meeting and inquiry failed to discover anybody who had seen him that day, it was settled that he was the culprit, and at once the miners resolved themselves into a posse to scour the country and hunt down the missing gambler and bring him in dead or alive.

Men started in all directions, some on foot and some on horseback, and before night the

suspect was found and escorted back to camp. The blood stains on his clothes were frightful telltales, and yet he refused to affirm or deny that he knew anything about the murder.

He was immediately taken to the tent, built partly of logs and partly of canvas, of the Justice of the Peace, and while eight or ten men remained to guard him the constable went out to summon a jury.

There was a character in the camp, a well educated Virginian, by the name of Llewellyn. He was the embodiment of politeness and dignity when sober, but he was seldom sober. In his cups he was less dignified, but if possible more polite. He was in his cups this day. He walked into the justice court and addressing the waiting magistrate, said:

"If it please your honor I hope you will give this man a fair and impartial trial and be quick about it, as the boys are anxious to have the hanging."

The Justice's name was Stone. He usually wore a silk tile and assumed some dignity himself. He said to Llewellyn: "I cannot allow

you to come in here and talk that way in the presence of the prisoner. You must sit down and be quiet or leave the court room."

"Me sir, me?" said the Virginian; "why, Judge, you don't know, sir, who you are talking to. What do you represent? The law, sir; simply the law; while I, sir, I come from the people outside, and represent Justice—fair, impartial Justice—that beautiful goddess that ever holds the scales equally balanced and gives to each and every man according to his deserts."

"Will you please get out of here?" said the Justice.

"I will not, sir, I represent Justice, I tell you, and Justice has no fear of the law, though at times she may shy a little at the courts."

"I want to say," put in the Justice, "if you don't get out of here I shall have to put you out."

"Judge, I am surprised that you should speak that way. Don't you know, sir, I could whip both this Court and the Constable if I wanted to in less than five minutes. I, sir, am a Virginian, and I can fight, sir; I can fight."

"You can get out of here," said the Justice, rising and going toward the good natured but slightly inebriated intruder.

Those present had been rather amused at the colloquy between the Justice and old man Llewellyn, but when they saw there might be an encounter between the two, four or five of those who were ostensibly guarding the prisoner jumped up to interfere.

At this very moment a carriage, to which was hitched four good horses, halted suddenly in front of the door, and in an instant three men jumped out and came bolting into the tent. This unexpected interruption added to the confusion, and before the Justice or the guards could realize what it all meant the three men grabbed the prisoner, and rushing him into the carriage drove off on a gallop in the direction of Sonora, the county seat.

It developed that the three men who had thus, as it were, kidnapped the prisoner, were Sheriff Swope and two of his most trusted deputies.

News had reached Sonora of the threatened

lynching of the accused murderer, and with all haste the Sheriff had proceeded to the camp in hopes of preventing the possibility of a second tragedy.

The capture of the culprit by the Sheriff of the county aroused the miners to bitter feelings of resentment. Before they had been determined; now they were desperate. What they would have done to the accused if left alone is hard to tell, but now if they could overtake and capture him his fate was sealed; and they determined to try. Blood had been shed, an innocent and popular miner had been butchered in his bed, and nothing but blood could wash out the stain.

At a miners' meeting called almost before the Sheriff's carriage was out of sight, a motion prevailed that every man who had a horse and a gun should start immediately in pursuit of the stealthy and brave Sheriff and return the prisoner at all hazards.

There was a trail to Sonora much shorter than the wagon road, and down this trail the horsemen started on a fast gallop, one after an-

other, as soon as they could get ready for the chase.

At a point about six miles by the trail and twice six miles by the road, the road and the trail crossed.

When the advance horsemen reached this point they judged from the tracks that the Sheriff had not gotten that far and they concluded to wait his arrival. While they waited reinforcements kept coming up, and when the peace officer finally reached the spot he found his path blocked by a determined band of his once admiring constituents.

It is unnecessary to relate all that happened at this critical and interesting juncture. Enough to say is that the horsemen returned to camp late that night, and the next morning travelers on the road who passed the place where they and the Sheriff had met, saw hanging to a limb the body of Jesse Starke, and they knew that the murder of Madison Parker had been avenged.

In the five minutes allowed the prisoner in which to say his prayers he confessed all.

"I will tell you, sir, I will tell you," said Llewellyn when he heard of the prisoner's fate, "justice is mighty and will prevail. The law is all right, sometimes, but in case of an atrocious and unprovoked murder like the one which has just disgraced our camp, Justice, sir, is the only adequate remedy. Had the law retained that man there is no telling what might have happened."

CHAPTER III.

THE IMPERILED MINER.

IT was in the fall of 1854 that a party of prospectors left Hangtown for San Juan, in Nevada County, prompted by the report of rich strikes in the latter locality. They traveled on foot, using burros and mules to pack their grub and mining tools. They proceeded without incident until they reached a point near Grass Valley, where, on the banks of a small stream that trickled down a shallow ravine from a neighboring spring, they pitched their camp for the night.

In the party were two young men, Oscar Olsen and Henry Geiger, who had come together from the same neighborhood in the East, who had attended the same school when boys, who knew each other's people, and who were friends.

The other members of the company were

A TYPICAL EARLY-DAY CALIFORNIA MINING TOWN.

strangers to these two boys until they started on this trip. A common impulse to leave Hangtown for the diggings of North San Juan at the same time had naturally thrown them together, otherwise there was nothing in common between them.

On the night in question, the mule owned by Olsen and Geiger, and used by them to pack their outfit, broke his halter soon after being staked out and wandered off into the darkness and the brush.

The animal was not missed until after the boys had eaten their supper, when Olsen started out to try and find him.

The others tried to persuade him from going, insisting that the mule would not go far from the camp, but the good natured Olsen gave no heed to their remonstrances, remarking as he started away that he would sleep better if he knew the long eared brute was safe.

Accordingly, he climbed the hill in the direction which he supposed the missing animal had taken and was soon out of sight and out of hearing.

An hour passed and Olsen did not return, but it was not until the expiration of two hours that his companions begun to grow a little anxious. At the end of three hours the fear was expressed that he had fallen into a shaft, or possibly been killed or captured by Indians.

Geiger by this time was very restless and wanted everybody to join him in a hunt for his friend. The others would not listen to the suggestion, insisting that it would be a foolhardy venture, but promised when daylight came they would not move on until they had scoured the surrounding country and ascertained, if possible, the fate of the young miner.

After agreeing to this arrangement, all hands went to bed, but Geiger did not sleep. Visions of the missing man bleeding from wounds made by piercing arrows, or mangled and bruised and dying at the bottom of some deep shaft, disturbed his rest, and try as he might he could not lose himself to the world and its troubles. As the night wore on his condition became painful, and at last, unable to endure the suspense and anxiety any longer, he quietly pulled on

his boots, donned his coat and started over the hill in the direction taken by his friend.

He wandered aimlessly here and there until streaks of gray begun to show themselves in the Eastern sky, and then he turned his steps towards the camp intent on arousing his companions and pursuing the search more systematically.

He had not gone far when he was startled by a subdued cry which seemed to come to him from out of the earth. Suddenly he stopped and listened. After a little while the sound was repeated, but he was uncertain of the direction from which it came. Still he listened and again he heard the sound. He hallooed back, and almost like an echo the cry was heard again louder and more distinctly than before.

"Olsen! it is Olsen!" he ejaculated, involuntarily, and started eagerly in the direction from which the sound seemed to come.

As he proceeded he heard repeated cries for help, each one, though subdued, being louder and more distinct than the others. At length, guided by the cries that were now com-

ing to him at more frequent intervals and in appealing tones, he came to the brink of a shaft, and, looking down, he saw his friend clinging desperately to a root that grew across the side nearly six feet below the surface. Though in a critical position he was alive and uninjured. He had no idea of the depth of the shaft and was afraid to drop lest he might be dashed to death at the bottom.

In pitiful tones Olsen begged his friend to try and get him out as soon as possible, as he could hold on but little longer.

He explained to his rescuer how the night before he had fallen into the shaft, had first caught the grass that grew around the edge, felt the root with his dangling feet, and when the grass gave way had, with a desperate effort, caught the root and hung to it all night with a tenacity strengthened by the fear of impending death.

The friend could conceive of no better means of rescue than to tear his clothes in strings and thus make a rope by which he might pull the imperiled Olsen to the surface. As he worked

at this task, regardless of the cost and scarcity of wearing apparel in the mines at that time, he encouraged the almost exhausted miner to be brave and hold on only a few minutes longer and all would be well.

"I am holding; I am holding!" faintly replied the almost despairing Olsen, "but be as quick as you can, for I cannot stand this much longer."

Geiger was quick; he worked with all his might, bringing his knife into play to facilitate the rope making.

Finally, when all was ready the improvised rope was lowered and Olsen was commanded to seize hold of it.

With an expression of mingled hope and despair the imperiled man looked up and pitifully protested that he was afraid if he let go of the root with one hand to grasp the rope, the other, being cramped and numb, could not support him, and he would fall.

"But you must," insisted Geiger, "it is your only hope, and you must. Be brave now, and make the effort; hold on tight and I am sure I

can pull you out. There now; here goes! That's it!"

Olsen tried. Encouraged by his friend he made the attempt. He felt that he was hanging over the brink of eternity, and however uncertain might be the success of an effort for deliverance it must be made,—so he tried.

His fears, however, were not groundless. As he loosened one hand from the root to grasp the rope the clasp of the other slowly gave way, and realizing that after all his exertions he was going, he gave a despairing cry, and dropped.

Imagine yourself, reader, with the black cap over your face and the rope around your neck waiting for the trap to fall which is to launch you into eternity, and then imagine that when the trap did fall the jar awoke you and you found it was all a dream.

If you know how you would feel after such an experience you can form some idea of how Oscar Olsen felt when, by reason of his swollen arms, his cramped hands and exhausted condition, he had to let go at the moment of promised

deliverance and experience the tortures that he had imagined.

Suddenly he found his downward course stopped almost before it commenced, and made the discovery that during all the agonizing hours he had been holding to that root, with almost a death grasp, his feet had been dangling only a few inches from the bottom of the shaft.

CHAPTER IV.

LOST SHEEP.

IT was before California had been finally admitted into the Union that a gentleman in well worn clerical garb landed from a trading vessel at San Francisco and announced that his purpose in coming to this Western shore was to help disseminate the doctrine of Christianity among the primitive red men of the forest. In other words, he was an advance missionary.

The peninsular was occupied by the Jesuits and he concluded that he would find a more fruitful, if not a more congenial, field somewhere in the interior. Accordingly he crossed the bay to what are now the Marin shores and slowly wended his way toward the north. He had not proceeded far until he came to a camp of Americans. They were probably some of the boys who about that time conceived the idea of setting up a republic of their own under the

banner known to this day as the Bear Flag.

The pious man presented a rather sorry appearance after his hard day's tramp over hills and across marshes and through woods and underbrush where the foot of man had seldom trod before. Nor was he clad in a mixture of skins and cotton, as were most of the earliest pioneers of this coast. His starched white shirt was soiled and limp; his high silk hat was cracked and worn and faded. The holes in his boots revealed larger holes in his stockings. His broadcloth clothes, threadbare and soiled, were out at the elbows and the knees and ripped under the arms. Where buttons once had been there were now only dangling threads.

In spite of appearances, however, he was received by his countrymen and treated with all the hospitality the conditions would permit. He was treated so well, indeed, that on the second day he made bold to ask his new made friends for the contribution of a horse and saddle on which he might pursue his journey into the wilderness to preach the saving doctrine to the untutored Indians.

The boys had no good horse that they could spare, neither had they a surplus of saddles. A short time previously they had turned an old horse out to die and it was suggested that the preacher might use him as something a little better than walking. He was brought in.

Oh, such a horse! The pole evil had eaten away his mane; an attack of the glanders left him running at the nose; his eyes were sore and had a sad and downcast look; he had a sway back, was spavined, knock-kneed, ringboned, hip-shot, hoof-cracked, and broken winded; in short he had practically all the ailments to which horses are heir.

The good man looked him over and in reply to the expressed doubts of his friends as to whether he was any better than no horse at all, said: "Oh, he's all right."

An old worn out saddle tree was found in some brush where it had been cast away a year before. The horn was gone, and the little leather that remained on it was curled by the weather and as hard as bone. Further search discovered two stirrups, one of wood and one of

iron. A short strap served to fasten one of these to the saddle tree and a short rope secured the other. One of the men had just completed a new hair cinch and he gave the preacher his old one. A pair of old rusty briddle bits were found in the brush near where the saddle had lain, and with a piece of rope for a headstall and another piece for reins, a bridle was improvised. The desired outfit, after two or three days of labor and hunting and planning, was thus completed.

The next morning the man of God, in that old saddle, on that old horse, with that old bridle, rips in his pants legs still unmended, and with knees up where the horn of the saddle ought to be, started out to preach Christ and Him crucified.

He traveled on and on, turning toward the coast and skirting the edge of the redwood forests.

The sun was low in the western horizon; the horse was getting tired, the man was getting hungry, day was about to turn into night; this good man had nothing to eat, and like the Son

of Man had not where to lay his head.

At length the sun was hidden by the tall trees, the lengthening shadows foretold the parting of the day, and yet with a faith borne of piety our hero pushed forward into the wilderness.

Finally to his great joy he discovered a dim smoke rising above the neighboring forest and thither he wended his way. He had no other thought than that it arose from an Indian camp where he might take up his abode and enter at once upon the purpose of his mission.

Drawing near he was surprised to find that the smoke issued from the rock chimney of a log cabin. It stood out in a little clearing and showed signs of civilization.

Drawing up to the front of the cabin as near as the rail fence would permit, he signalled his presence by crying out, "Hello."

A woman, past the middle age, came to the door, and after recovering from her fright at the unexpected apparition, said in tones of mingled fear and surprise:

"La! Mister, who are you?"

Noticeing her agitation the good man said, "Don't be alarmed, my good woman, I am hunting for the lost sheep of the children of Israel."

"Lost sheep, eh? Well, wait a minute."

She hurried to the rear of the cabin and hallooing to an old man who was digging potatoes, said: "Old man, old man, come here, quick! Here's a fellow hunting for lost sheep, and I wouldn't wonder but that old mottled-faced ewe that has been bothering us so much belongs to him."

Soon the old man came around the corner with a hoe on his shoulder. Seeing the preacher he stopped short, dropped the hoe, and leaning on the handle, seemed dazed for a moment in contemplating the visitor and his outfit.

Finally he said: "You're hunting for lost sheep, are ye?"

"No, no," replied the preacher; "the good woman did not understand me. I am a meek and humble follower of our Lord and Saviour, Jesus Christ."

"You are following who, do you say?"

"Our Lord and Saviour, Jesus Christ."

"Yes,—well I don't know him. But see here, stranger, let me give you a little advice: I don't know anything about the fellow you are following, but unless you swop off that ar' horse you are ridin', I'll be gosh darned if you'll ever catch him."

CHAPTER V.

ENCOUNTERING WILD ANIMALS.

THE sun was low in the western horizon, the shadows of the tall pines darkened the face of the rugged landscape, no sound except that of trickling water down a near by ravine greeted the ear, and no sign of life was anywhere visible except the still life of the trees and of the leafy shrubbery that hung across my path. It was in the fall of the year, and even the chilly air told of the departing day and the hastening of the hour when the earth would be wrapped in the embrace of night and somber darkness would add to the lonliness of the surroundings.

As I trudged along the dim trail which threaded the mountain side with my pack of blankets, grub and mining tools growing heavier at each step, I could not help meditating on the hard life of a California prospector and

wishing I might be fortunate enough to encounter a cabin or a camp whose occupants would help relieve the gloominess of the situation.

I was on the way from Nevada City to You Bet and had been told that I would find mining camps at occasional intervals along the road. I had passed one or two occupied cabins during the day, but now that I wished for one most, they seemed farther apart.

Suddenly I was startled from my reverie by the sound of sliding rocks, and looking forward in the direction of the noise I saw a big mountain lion drawing himself slowly out of the deep ravine up into the trail. He stopped short and so did I. The animal eyed me for a few moments, and then with apparent unconcern dropped on his haunches, and after lapping his lips a few times commenced to lick his sides. Keeping my eyes on the brute I slowly retreated. I was entirely unarmed and realized that should he attack me I would be at his mercy. But he showed no disposition to attack. Neither did he seem disposed to move on. After I had backed to a distance of about sixty

feet I stopped and contented myself as best I could by watching the creature's actions. Except that he looked at me occasionally, my presence did not seem to concern him.

The minutes I stood there in that lonely place eying that ugly beast lengthened into an hour; no longer the sunlight streaked the mountain tops, the shadows of the trees became merged in the thickening gloom. I was about to start on the back tract with the intention of going into camp a mile or two in the rear, when to my relief the lion arose from his haunches, gave a lazy yawn and started up the hill. The brush now hid him from my view, but when I thought he was a safe distanae from the trail I started forward, treading lightly lest I might attract the beast's attention and provoke his return. As I passed the spot where he had been sitting I naturally glanced in the direction he had gone to see if he was yet out of sight. There he stood with his tail toward the trail but with eyes turned toward me not six feet away. I gave a sudden bound forward and with a thrill running through my frame not unlike the sen-

sation one feels who barely misses stepping on a rattlesnake I increased the distance between myself and the danger point as fast as tired limbs and a heavy pack would permit.

Half a mile further on I emerged from the canyon onto a little flat where there were three or four tenanted cabins. I presented myself at the door of one of these and was taken in without ceremony, and treated with as much consideration as though I were an old friend. The word "stranger" was not known by the miners in those days when it came to the matter of dispensing hospitality.

While sitting around the cabin fire that evening, I related my experience with the mountain lion. It developed that the boys had slaughtered a beef that morning a few hundred yards up the ravine from their camp and the natural conclusion was that the beast had regaled himself on the offal until his appetite was fully satisfied and, therefore, had no inclination for the time being to make a meal on me.

"Your experience, though tame by comparison, reminds me of a tussel I had with a bear

in the mountains not long ago, when I was living at Red Dog," remarked one of the boys, whose name I afterwards learned was Edward Herryman.

"What was it, Ed? Tell us about it," asked two or three in chorus.

"Well," said Herryman, "as I remarked, when I was mining at Red Dog, two prospectors came into camp one evening and reported having seen bear tracks on the ridge a short distance from the cabins. I used to hunt big game some in Michigan, so I concluded I would take my gun and, without giving any hint of my intentions, go out and try and bag a bear. I did not proceed far until I discovered fresh tracks and noting their direction followed the trail. In time I came in sight of bruin, a big black bear, by the way, quietly feeding on manzanita berries. He saw me about as soon as I saw him, and at once began to growl his resentment at being disturbed. Without asking his approval I leveled my gun and fired. I saw the fur fly from the side of his neck, and at the same instant he made a bound and came for me with a

rush. There was no time to reload, so my only alternative was to run. I did not know the country very well, but naturally started in the direction of the camp. I thought that if I could beat him across the ridge I would be able to outfoot him down the mountain and thus get away. Imagine my feelings, if you can, when on reaching the brow of the hill I found myself on the brink of a precipice from one to two hundred feet high. The bear was close behind me. To jump meant certain death. To continue along the edge of the cliff meant to be speedily overtaken. There was no recourse but to turn and fight. Accordingly I braced myself for the encounter, fully nerved for a contest to the death. As the bear drew near he raised on his hind legs and came at me with a fierce growl. I struck him over the head with my gun but the blow did not seem to stagger him, and in a moment I found myself in the embrace of his strong paws. We both fell to the ground. I tried to get at my knife, thinking I might yet dispatch the fierce brute, but my arms were held so close to my sides I could not reach it.

With all my strength I made a desperate effort to free myself. In the struggle we rolled over and over, and finally to my inexpressible horror we went together over the precipice and down, down into the depths of the rocky canyon. I remember as we were descending through space my one thought was that if I could fall on top of the bear I might be saved. At last we struck the bottom with a dull and mighty thud, and sure enough I was on top."

Here Herryman paused, and after a little while he was asked: "Well, what happened then?"

"Then," he said, "I awoke."

CHAPTER VI.

JUSTICE JONES.

HOW Cyrus Ephraem Jones happened to break loose from home surroundings and come to California with the early rush of gold seekers, I never knew. He was so different from the average pioneer as to impress one that he came along just to complete the variety. It is said that all kinds of people were included among the early day miners, and if Cy. Jones had not come this would not have been true, for certainly he represented a distinct as well as a rare type of humanity.

Other men were as old, and as tall, and as slim as he was; there were others who wore long, thin chin whiskers similar to his; there were men who assayed a white shirt and a stand-up collar, regardless of the shabby appearance of the rest of their apparel, and regardless of whether the shirt and collar were starched or

unstarched, the same as Jones did. There were a few who assumed as much dignity as Jones, and a very few who were as lazy, or as he himself used to say, "obverse to manual labor." Once in a while one might have been found equally as deficient in education, and rarely there might have been in those days other illiterate persons who insisted, as Jones always did, in using the biggest words he could command with a reckless disregard of their application or pronunciation. Others, we say, may have been distinguished by one or two of these peculiarities, but Jones,—Cyrus Ephraem Jones, possessed them all in a marked degree, and it was by reason of embodying within himself so many traits of a peculiar and distinctive character that he was regarded as an individual different from anybody and everybody else.

He would stand on the bank and watch the miners working up to their knees in water and caution them against "exposing their health to so much inclemency," and once when one of them bent the tines of his sluice fork, Jones said to him: "A Herculaneum man like you

ought to get a fork with greater integrity."

He often dwelt on the beauties of the Sierra scenery, and it is told of him that once when expatiating in his peculiar way on the grandeur of nature in this western fairyland, he said: "If I should ever join the Neptune throng I would settle right in these hills, where I would have the terrennial snow for my morning picture and the perennial valley before me in the evening; where the musicated birds would sing to me during the day, and the chrystallated rivulets, intonating their lullibys, would incline me to Morpheum at night. I would construct a few catagorical conditions to my humiliated cabin, dig me an artificial well and by irritating the soil during the months when Solomon is most devastating in his relenticated rays, I would be physically fortified to produce an ample deficiency of vegetation to comfortably consume a small family."

The camp where Jones found lodgment was known then as Stewart's Flat, in Placer County, a region to-day covered with thrifty orchards and beautiful homes, showing that the natural

attractions which inspired the eccentric pioneer to flights of uncouth eloquence found lodgment in the breasts of others who have done more in the way of promoting the productiveness of the community than the most enthusiastic early settler ever dared to dream of.

Jones was good-natured, harmless and in a certain way entertaining, but he would not work. He assumed oracular wisdom and was constantly predicting the future and telling the boys what they must do if they would have luck. Generosity to him was an infallible sign of greatness, and hence the miner who was most generous with Jones had in store the most brilliant career.

The miners tolerated him, fed him and in a way clothed him. Nuisance as he was in some respects his eccentricities afforded amusement enough to pay for his keep, and in time he became to be regarded as a settled charge on the camp.

In the course of time when the date for the nomination of candidates for county and township officers was drawing near, and some of the

boys on Stewart's Flat were discussing the merits and demerits of different aspirants, it was suggested that they run Cy. Jones for Justice of the Peace. The idea proved popular and in a short time the whole camp was electioneering for Jones. This greatly pleased the old man, and as the canvass proceeded and his prospects brightened he assumed a degree of dignity that was really comical.

He construed the desire of the boys to pension him on the county as a recognition of his talents. Though he knew no more politics than a chicken, and was personally as helpless as an infant, he did not lack for backers, and when the convention assembled he was nominated with a hurrah. The same motive that prompted his nomination secured his election, and in due time Cyrus Ephraem Jones was duly sworn in as a full fledged Justice of the Peace. Then the boys called him Squire and Judge, instead of Uncle Cyrus, and this pleased him still more.

Some time previously there had come into the camp a gambler by the name of Lou Simmons. He not only resorted to marked cards

and other devices to win the boys money, but after getting it he would enter on a big spree and become quarrelsome and overbearing.

It happened one day, when in his cups, he run up against a peaceable and popular young miner by the name of Jonas Harvey, who would not stand for his abuse. The two quarreled and in the mele Simmons pulled his pistol and shot Harvey in the groin. At the sound of the gun outsiders rushed in and separated the combatants, but it was found that the young man was seriously wounded.

Simmons was arrested and the feeling against him run so high that for a time it was feared he would be taken from the officers and lynched. Cooler council prevailed, however, on a promise that there should be no delay in the trial.

Accordingly, the preliminary hearing was set for the next day. Interest in the case was intense, not only because of the unprovoked character of the assault and the unpopularity of the assailant, but because it was to be the maiden trial of Justice Jones. The curiosity of the boys to see how the old embodiment of false

dignity would act on the bench was only less than their desire to see the defendant firmly held for trial before the county court.

When the case was called a feeble representative of the District Attorney appeared to prosecute, and C. A. Tuttle, afterwards famous among the bar of the State, but then a young lawyer of Auburn, appeared for the defense.

The prosecution was very weak, while Tuttle's conduct of the case was characterized by tact and ability. He early discovered the vanity of the Justice and catered to it. In his final argument he minimized the offense and magnified the wisdom of the Court, which so tickled the old fellow that he became lost in admiration of himself and his flatterer. Tuttle concluded substantially as follows: "I submit the case, your honor, knowing that your superior wisdom comprehends the true merits of the situation, and fully confident that you will give to your many admirers a demonstration of that justice with which a kind Providence has so generously endowed you, by at once discharging the defendant."

The attorney had hardly taken his seat when the vain old Squire, pleased at this outburst of flattery, said:

"Mr. Tuttle, you shall not be disappointed, sir, in the wisdom of this Court. Therefore, let it be ordinated that the prisoner is discharged."

Only those near could hear what the Justice said, but it was not long before everybody knew what he had done.

He thought for the moment that he had performed a wise act, but when the storm of indignation which at once raged in the camp began to descend on his simple old head, he became bewildered, and at one time it looked as though he might follow the example of the prisoner, who immediately on his discharge had lost no time in "making himself scarce" in that community. A little later, when the boys learned that Simmons had "skipped out," they were madder than ever, and except for the pleading of a few of the best men in camp they would then and there have wreaked vengeance on the weak old man, who only a little while previously

had been hugging to himself the flattering thought of self-greatness and prospective promotion.

Gradually the feeling subsided, but it was some time before Justice Jones felt as comfortable among his associates as he had been previous to that eventful preliminary examination of the charges against Lou Simmons. Indeed, he never again was quite on the same easy terms with the boys that he had enjoyed before. He felt keenly the curses and criticisms of those who had befriended him, and over and over he promised that neither Tuttle nor any other smoothed tongue lawyer would ever again induce him to swerve one iote from the line of justice.

One night a drunken stranger entered Billy Mullin's saloon and because some of the boys declined to drink with him he started in to clean out the establishment. Among others he run up against Mike Perkins, a burly young fellow, confessedly fearless, but naturally good natured and peaceable. No one who knew Mike would ever go out of his way to get a

quarrel with him, but the stranger did. Mike at first told the man to go away and cool off, and in other ways tried to dissuade him from quarreling, but the new comer would not have it that way. He declared he was spoiling for a fight and could whip any two men on Stewart's Flat; that he had been insulted and was going to have revenge. The longer he talked and the less the others resented the meaner and more abusive he became, and finally, when he asserted that the Stewart Flat miners were the most cowardly lot of curs he had found in California, Mike stepped up to him and said:

"See here, stranger, you are drunk or you would not talk that way; but drunk or sober you shall not call the Stewart Flat boys either curs or cowards."

"I shan't, eh? Well they are curs and cowards, and you are the biggest —— —— cur and c——."

Whiff, bang, smash! Mike's fist shot out, and that stranger landed against the front door, and man and sash and glass fell in a heap on the floor.

Next day the stranger, with a beefsteak over his eye and several patches of sticking plaster marking the places where he had been cut by the glass, appeared and swore to a complaint charging Michael Perkins with assault and battery.

Here was another case for Justice Jones.

Nobody on the Flat believed for a moment there was any chance for a conviction, but all the boys were Mike's friends and all applauded his act, and they did not want to take any chances. It was accordingly agreed that they would send for Tuttle to conduct his defense. This bright young lawyer, they reasoned, had hypnotized the old Justice once and he could do it again, and to make sure of a prompt acquittal they would secure his services.

When the trial came off the stranger, who gave the name of Samuel Griggs, made a poor showing. The testimony was all against him. The burden of the evidence showed that he had provoked the assault and got less than he deserved.

The prosecuting attorney saw the merits of

the case, and recognizing the public sentiment wisely refrained from making any plea.

Mr. Tuttle, however, rose to say: "I would like, your honor, to offer one word, and it is that the statement and evidence of this case constitute its defense, and there is certainly only one thing you can do, and that is to acquit my client."

The Justice dropped his head forward for a moment as though trying to think. About this time there no doubt flashed before him a vivid recollection of what he had gone through after the Simmons trial, and with it the thought that his trouble was the result of listening to Tuttle's plausible plea, for, looking up suddenly, and with an expression of determination on his countenance, so far as he could appear determined, he said:

"That is all right, Mr. Tuttle, I do not dispute the plaudableness of your position, but you remember the last case you had in this court the verdict was in your favor; and now, sir, in order that the scales of justice may be equally balanced, I shall have to decide this case against you." And he did.

CHAPTER VII.

MOUNTAIN HOLDUPS.

AN IRISHMAN'S NERVE.

ON the mountain roads and trails in the early days of California "holdups" by highwaymen were of frequent occurrence.

Besides the organized bands of marauders, led by such desperados as Joaquin Marietta, Rattlesnake Dick or Three Fingered Jack, who roamed and plundered at will, leaving behind them a trail of blood and smouldering ruins, there were others without the fear of the Lord or the law who took to the road, prompted by desperation or the devil, or the desire to secure something for nothing. To a man naturally vicious or driven to recklessness by hard luck, the question of risk apparently was not taken into account. All classes of travelers were victims of these Road Agents, from the lonely

pedestrian miner "going to the city to get a bust," as related in one of Putt's songs, to the passengers of a well-loaded stage coach.

An Irishman on one occasion was coming from the mines with pick and pan and blankets on his back, and three thousand dollars in dust on his person, when he was suddenly confronted in a lonely place by a masked man and a gun. The cold steel of the business end of the shooting iron was pressed against his forehead as an effective means of emphasizing the demand for his money. This particular Irishman, with characteristic wit and coolness, proved equal to the emergency.

With apparent unconcern, and as much assurance as one might display in addressing an old friend, he said:

"See here, my dear fellow, take that gun down. The loikes o' yees are dom thick on this rhoad. Ye are the third I've met this mornin', and afther laving the furst I'd nothin' lift for the sicond."

Here Pat took out his old stub of a clay pipe and continued:

"Have yees a match, plase?"

"Don't talk to me; throw out your money!" savagely commanded the robber.

"Money, be dad! Its a foine sthake I had on'y the mornin'; but now its lucky I am, schure, to have me old pipe and a bit o' tobaccy. Have ye a match, I dun know?"

The highwayman was knocked out. He relaxed his severity, and finally when they parted he gave Pat a dollar to get his dinner at the next wayside tavern.

POOR FOOL HARDY.

Teamsters, as may be supposed, were the victims of a great many holdups. Not so many as reported, however, for instances were not wanting where a hired driver, after drawing down the money for his freight and losing it at the gambling table, or squandering it on wine or women, returned with a startling story of how he had been held up by a desperate highwayman.

The men who worked the roads had no cards, nor did they go around crying out their pro-

fession. There was nothing in their appearance or on their persons by which they could be distinguished. Hence no one ever knew when one of those fellows was around. It behooved the teamster to be very cautious about exposing his money, and if he talked about it, it were better for him to leave the impression that he never carried more than enough for expenses.

A few did this and among them were not many victims of the Road Agent. The sufferers were almost invariably those who were careless in handling or talking about their wealth. It was very apparent to the observing teamster that the men who were doing the holdup act knew most of the drivers and their habits.

Poor deaf Hardy! Or, I might say, poor fool Hardy. He had a wheat ranch in the valley and a good eight animal team. Nearly all one summer he hauled wheat to the little old grist mill that in early days stood on the rocky bank of Deer Creek in Nevada City. On one occasion he drew the pay for four or five loads. Wheat in those days brought from three to four cents a pound, and at this price the pay for a

load amounted to a good deal of money. The big pile of twenties which thus suddenly came into Hardy's hands evidently turned his head.

It was about 10 o'clock in the morning, when, after unloading and drawing his money, he drove up to Richie's tavern on the hill above Nevada City, where he had stopped the night before, and after watering his team he went in to pay his bill. Approaching the bar he pulled out his well filled bag of gold, and, emptying it on the counter, told the landlord in a boastful, swaggering manner to take out his pay. He then invited fifteen or twenty men, who were lounging about the place, to come up and take a drink. As the crowd gathered about the bar Hardy was slowly putting the shining twenties back into the buckskin bag.

There was naturally some comments on the display of so much money, and the landlord, in a spirit of friendly interest, asked if it were not a little risky to carry so much coin, and suggested to Hardy that he ought to hide it.

"I guess I will," said the teamster.

Accordingly, he went to his wagon, and, tak-

ing a jack screw from the jockey box, turned the screw out and crowded the bag and the money into the cylinder. He then shoved a piece of an old barley sack down on the money, as a sort of cork, and putting the whole back in his box, remarked that it would take a pretty smart robber to find that.

Having thus secreted his money, as he supposed, he mounted his saddle horse, gave a "Ya Jim," and amid a cloud of dust and the jingle of bells he drove away.

About twelve miles down the road, on Buckeye Flat, some luckless teamster had broken down and piled the lumber, which he was hauling from the mountains as a back load, in two piles, one on each side of the road. As Hardy passed between those piles of lumber, his mind no doubt engrossed with thoughts of what he was going to do with his wealth, two masked men arose simultaneously, one from behind either pile, and with shot gun leveled at the teamster's head commanded him to halt. He halted.

One of the robbers, still holding his gun so

that the now frightened Hardy could look down the barrels, told him to keep still and he would not be hurt, while the other went deliberately to the jockey box, took out the jack screw, shook out the bag of gold, threw the screw back on the wagon, and told the trembling jehu to drive on.

We don't pretend that the term "foolhardy" grew out of this incident, but in discussing the robbery all the boys on the road agreed that Hardy had been very, very indiscreet in exposing his money before a crowd of strangers at Richie's Hotel.

BRAVE DAN DALY.

The same season, but on another mountain road, another holdup, or attempted holdup, occurred, which afforded a happy contrast to the Hardy robbery.

In the tavern barroom at Brown's Valley one night a lot of teamsters were discussing the prevalence of "road agents," as they were called, when the question turned on to what this one or that one would do in case he was held up.

The general conclusion was that no one could tell what he would do until he was tried.

"I might surrender to two or three men," said a teamster known as "Sandy Dan," and whose proper name, as revealed by what follows, was Daniel Daly, "but no one man shall ever rob me unless he kills me."

"That's all right," replied one of the boys who had been there, "but I'll tell you when one man points a gun at your head and demands your money he looks mighty big, and the longer you look at him the more he grows, until you begin to think he is a whole army with artillery thrown in. I think, Dan, you would weaken, the same as I did, and the same as nearly everybody does."

"I might," replied Dan, "but I don't think so."

It so happened that of all the teamsters at the hotel that night Sandy Dan was the only one returning from the mountains. The others were loaded and on their way to the mines. Dan, therefore, drove out of the yard the next morning and started off alone. He had gone

only far enough to get out of sight of the house and out of hearing of the teams on the up grade when he was startled by a masked man who jumped from behind a clump of bushes, and, pointing a pistol at his head, commanded him to halt.

Dan was seated on his saddle mule, and he at once pulled on the brake and cried, "whoe."

"You say no one man can rob you," said the highwayman, "now throw out your money."

Dan was cool and looked straight through the holes of the mask into the eyes of the robber. At the same time he let the butt of his blacksnake slip through his hand and took a firm grip of the lash end. This only required a few seconds but the robber was impatient, and again commanded :

"Throw out your money or I'll blow out your brains."

"You wouldn't attempt this if you were alone," replied Dan.

"I am alone and I'll pull the trigger if you don't pony up."

"Who is that fellow coming there?" queried

the teamster, at the same time looking over the robber's head as though eyeing a third party.

The man with the gun knew he was alone, and if some one was approaching it might mean trouble for him, so he turned quickly to see who it might be.

As he did this the butt of Dan's whip, loaded with a chunck of lead, came down on his head with a thud that dropped him to his knees, and caused the revolver to fall from his grasp.

Dan did not take time to climb out of his saddle, but he fell out and on top of the dazed bandit and proceeded to pound him into insensibility.

He then tied the would-be highwayman hand and foot and loading him on his wagon hauled him to Marysville, where he was delivered to the authorities.

For a time the desperado was under the care of a doctor, but when he recovered he was tried and convicted and sentenced to San Quentin for ten years, where he had plenty of time to reflect on the folly of doubting a teamster's nerve.

THE LAST HOLDUP AT ROBBER BEND.

There was one particular point on one of the mountain roads where for two seasons more teamsters were held up than at any other place in California.

It was a point in reality, just where the road emerged from a canyon and turned abruptly around the hill and back along the opposite side of the ridge. An old road led from this point straight down a steep hill into a deep canyon and straight up the other side, but at the time of the robberies referred to this route had been abandoned in favor of a much longer road built up one side of the canyon and down the other for the purpose of saving grade.

At the upper juncture of the new and the old roads there was a public house. I know the name of the house and the name of the brothers who kept it, but for the purpose of this story I will call the former the Robbersart and the latter Sam and Simon Hardnut.

The Hardnut boys kept a good house, were amiable and accommodating, and from all outward appearances were sober, industrious and

honest. It was perhaps half a mile across the canyon by the old road from the Robbersart to where the old and the new roads came together on the opposite ridge, while by the new road to the same point was at least a mile and a half.

Teamsters stopped at nearly all wayside inns to water their animals and take a "dust destroyer," and while paying for the latter it was liable to be revealed whether they were carrying much or little money. In this way the inn keepers knew the different teamsters' habits in regard to money matters better than anybody.

But what of it? Even the caution of the most prudent jehu never suggested to him to try and conceal from the wayside landloard any facts about his money, for the bonefaces professed to be, and generally were, the teamster's best friends.

The Robbersart being so close to the scene where holdups were occurring with alarming frequency, it was but natural that the boys who stopped there should discuss these robberies with more than usual interest.

It was a lone highwayman who was doing all

the mischief, but who he was, where he came from, where he held forth, who was harboring him, etc., were questions that could not be satisfactorily answered. Sheriffs and sheriff's posses had frequently scoured the country in hopes of getting some trace of the desperado or clew to his identity, but to no purpose. In all the efforts to apprehend the offender the Hardnut boys were more than generous in their assistance.

When the teamsters proposed to raise a purse and hang it up as a reward for the capture of the culprit, Sam Hardnut offered at once, with the consent of his brother, to start the fund with a subscription of $100.00.

As the agitation progressed and the teamsters grew more and more excited on the subject, the frequency of robberies at this particular point increased, until the place became known as "Robber Bend" and no one passed there without almost holding his breath until out of sight of the thick bunch of bushes that grew close to the road where it made the turn, and from which it was said the robber always emerged.

One day a teamster by the name of Judah, (there was a Tom Judah on the road in those days, but this was another Judah) drove up to the Robbersart and after watering his mules went in to get a drink. In settling for the "tangle-foot" he revealed a well-filled purse of gold.

"I should think you would be afraid to carry so much money these times," remarked Sam Hardnut in a rather solicitous tone, as he slowly rinced the glass from which his customer had drank.

"To tell you the truth I am a little uneasy," replied Judah, "and I wish now I had sent my money down by express; but if I can get past 'Robber Bend' without being held up I guess I will be all right."

"Would you like to have me go with you that far?" asked Sam, in a tone of friendly interest.

"Pshaw no," said Judah, smiling. "It ain't that bad. I hope, that you have to constitute yourself a guard to down teamsters. I have passed the point a good many times without being halted, and I guess I can make it once more."

"Oh yes," responded Sam, reassuringly; "while everybody is exposed, of course the chances are you will go through without being stopped."

After talking a while in this strain, Judah climbed to the corner of his high wagon bed, where by stretching ropes across and covering them with his mule blankets he had improvised a comfortable seat, and, letting his brake off, he gave the word to his team and drove on.

As he proceeded along the lonely road toward the head of the canyon, where the only sound that greeted him was the "chuck, chuck" of his own wagon mingled with the jingle of the bells, a sound which was intensified by the echoes that floated back from the opposite hills, or which at times seemed to speak out from the tall pines that towered above his head and shaded the road, his mind became absorbed with thoughts of Robber Bend and the possibility of being held up and robbed of money which he could not well afford to lose. While thus meditating the thought occurred to him that only cowards surrender, and as the money

belonged to him he would be worse than weak if he did not at least make an effort to retain it.

Accordingly he took out his pistol and as he approached the Bend he cocked it ready for action and held it with a firm grasp by the right hand in such a position that it was concealed in his lap, but could be raised for service in an instant. In this attitude he approached the critical spot. His eyes were intent on the particular bunch of bushes which were supposed to conceal the robber.

He was about to smile at the thought of all his preparation for nothing, and was just on the point of relaxing his vigilance and putting away his gun, when he was startled by the unmistakable outline of a man's form behind the brush. He wore a mash, had a shotgun in his hand, and in a stooping position was stealthily coming toward the road. Quick as a flash the teamster raised his pistol, and before the robber realized that he was seen, and before he could raise his gun, Judah yelled:

"Throw up your hands or I'll blow your head off! Drop it; drop that gun! Don't you dare

to raise that gun or out goes your light. Drop it, I tell you."

The robber saw he was covered and could not make a move except at the risk of his life. He stood as though hesitating for a moment and then in compliance with Judah's emphatic demands, he dropped his gun.

"Now tear off that mask," commanded Judah.

The mask was slowly but tremblingly taken off.

There, in an old slouch hat, with a coat on that was turned inside out, with overalls to cover his everyday pants, and with barley sacks wrapped around the feet to disguise his tracks, stood the cowering, cowardly, and, may I not say, contemptible Samuel Hardnut.

Robbersart was sold, Sam went to San Quentin, and the last I heard of Simon, who barely escaped prison as an accessory, he was trying to hide his identity under an assumed name in the busy throngs of San Francisco.

CHAPTER VIII.

TEAMSTER STORIES.

IN the early days teaming in California was a science. The principal population was in the mines and all the supplies of machinery, tools and provisions had to be freighted by pack trains or wagons from the nearest river points across the valleys and up the mountain grades or trails to the diggings. Teamsters and packers had neither unions nor trusts, yet they commanded practically their own prices and made money. The wealth thus easily earned was lavished on fine mules, big horses and new wagons. A rivalry existed as to who should possess the finest outfit. The four animal team grew in a short while to six animals, the six animal team to one of eight animals, the eight to ten, and the ten to twelve. This was the limit, as a greater number could not be worked

to advantage on the turns of the mountain grades. Indeed, with more than six animals it was found necessary to have two wagons, one fastened close behind the other and called in those days "a back action." On short turns these wagons were hauled around one at a time. They were also hauled separately up the steepest hills.

Each enlargement of the team involved a new wagon, and each new wagon must have all the latest improvements known in those days to the art of wagon building.

The ambition to excel in the ownership of the biggest or finest mules or horses run the price of such animals to fabulous figures. A thousand dollars a mule was sometimes paid, and there were instances where an extra choice animal brought as high as twelve, or fourteen, or even fifteen hundred dollars.

Next to fine mules and a fine wagon the teamster prided himself on fine trappings. Each bridle must be adorned on the side with a fox tail, and have a forehead flap decorated with a bright metal star. Bear skin housing covered

the hames, and the hames were surmounted with a set of bells. These teams were driven invariably with a single or "jerk" line. It can be imagined that a teamster thus equipped was a very proud man.

There were three grades of aristocracy in California in those days. First and foremost came the river steamboat captain; he was a bigger man than anybody. Next to the steamboat captain was the stage driver; in the interior away from river points the latter held sway. Next to the stage driver was the teamster. Of course there were degrees of nobility among the teamsters, varying according to the number and size of the animals and the newness and "chuck" of the iron axle wagon. The teamster with only four ordinary horses was tolerated by the duke who drove twelve mules and had a red wagon, and bear skins, fox tails and bells, because the former belonged to the same fraternity and was liable to promotion, but between the mule drivers and the ox teamsters (bull whackers as they were called), there was an impassable barrier.

Along the established mountain roads numerous hostleries sprang into existence to cater to the wants of the traveling public, but particularly to the wants of the teamsters. Each vied with the other as to which should treat and feed the Knights of the whip the best, for their trade was always cash and the number made their patronage desirable. As a result these men were fed on the fat of the land and waited on by the prettiest girls that could be secured. Before the meal they were given a free drink and after the meal a free cigar. A man was employed in the yard to help hitch and unhitch and care for their teams. Indeed, their wants and weaknesses were anticipated and supplied in every way that suggested itself to the fruitful mind of the smiling boniface.

The teamster was conscious of the importance of his patronage to the wayside caterer and was most independent and exacting. The slightest discourtesy or neglect incurred his displeasure; his grievance was passed along the line, and by common consent every teamster would unite to discipline the offending landlord by giving his

place the go-by until such time as they concluded he had been sufficiently punished. A defect in the table bill of fare, or in the quality of the free whiskey, or in the quality of the free cigar, or in the efficiency of the attending hostler, or the attractive character of the waitress was resented in this way, and, as may be supposed, every wayside keeper was kept constantly anxious lest something about his place might not be just as the teamsters would have it. Of course when the inn keepers got a run of business they made money, and naturally they were all striving for business, while the teamster waxed fat and daily more independent on the rivalry.

Complexion and clothes cut no figure with the teamster, as the cloud of dust that rose eternally from the heels of the mules made them all of one color.

While the mule driver was proud of his team, and proud of his calling by reason of the independence which the position gave him, his greatest ambition was to haul the biggest load with the same number of pounds of mule flesh.

This indicated superior tact and skill in the training and handling of his team, and where is the man who does not like to be regarded by his fellows as excelling in his calling. This rivalry developed some wonderfully expert teamsters and gave to the teaming era of California the credit of demonstrating the hauling capacity of mules and horses far beyond what previous to those times had been considered possible. A ton, at one time in the Eastern States, was considered a load for a pair of horses. A ton to the mule was the load that teamsters usually started with from Sacramento, Marysville, or other river points for the mines in the mountains, and this at a time when grades were steep and rocky and dusty and otherwise rough and hard.

The theory was that a team could haul all it could start. The animals were never allowed to become winded. They were watered often and kept fresh and rested. When told to start by a "Ya, Jule!" to the leader, who, knowing her business, would move up a little and shake her bells as a signal to the others to get ready,

every mule, after feeling around for a good foothold, was supposed to exert all the nerve and muscle it possessed, if needs be, to start the load. As "Gassy" Denton once put it, they were supposed to " get down until the hair of their bellies scratched the ground and the hollow in their backs would hold a cup of water." On the grades they seldom went more than from ten to forty feet, according to the steepness, at one pull. They were never started again by a teamster who understood his business so long as any animal was panting or showed the least signs of being tired. Under such conditions each animal was always ready for a supreme effort, and his fear and respect for the driver would prompt him to make it, if occasion required, without any extra words or whooping.

Suppose, however, a mule became careless, which he was likely to do when the driver showed indifference or lack of attention, and failed to respond with extra exertions in a hard place. The good teamster noting this would not speak to that mule in a half-hearted way or

hit him a half-hearted stroke with his whip. Such treatment would impress the mule that the driver didn't care much, measuring the latter's indignation by the strength of his stroke, and the animal would likely become more indifferent than before. The driver would stop the team with a sharp "whoe!" said in a tone that indicated to every mule in the team that he had been halted for business; in other words that something out of the ordinary was going to happen. He would then go up to the defaulting animal and whip him until he was tired. In aggravated cases he would strip the harness off and tie him to the wagon wheel for the purpose of administering effective punishment. This ceremony over and the mule again in his place the driver would command his team in the same modulated tone of voice that he used before, and you may be sure they were all ready to obey, the punished animal particularly being extra bidable as long as he remembered his punishment, and the length of the mule's memory was likely to correspond with the severity of the flogging.

Sometimes a whole team was disciplined by a free use of the whip and a good deal of what was known as "mule talk." This can be illustrated by a little incident that happened once in the experience of

TEAMSTER BLACK.

Black was a good fellow and had a good team, six of as fine mules as ever scratched gravel or rattled bells. He was not much given to boasting but he was a good teamster and by common consent everybody admitted that Black hauled as big loads, according to the number and size of his mules, as anybody on the road.

At French Corral, in Nevada County, just at the head of Wood's grade which led from the Yuba River up the side of the mountain to the top of the San Juan Ridge, they had a new waitress in the hotel where most of the teamsters stopped. She was from the valley and had never seen much of teaming or other mountain life. While waiting on the table she heard a great deal about big loads, hard pulls, etc., and often expressed a desire to go down some

day and meet the teams and see the mules pull up the grade. Finally her landlady consented to take her in the buggy to meet Black the next time he should return from the valley. These hotel people knew every driver and his drives, and could tell when any particular teamster was due coming or going. Black hauled big loads and had a good team and among hundreds he was suggested by the landlady as the one likely to best exemplify to the new girl the power and possibilities of six good mules when manipulated by an artist in the mule manipulating business.

They had not gone more than a mile down the grade when they heard the jingle of bells, and on reaching the next turn in the road they were delighted to discover that it was Black's mules that made the music. They turned out at a convenient place and waited his arrival. As the team drew near, pull by pull, twenty or thirty feet at a time, the girl saw a fine exhibition of starting and hauling. When Black came up the ladies explained their mission and solicited his assistance in turning on the narrow

grade. He politely lifted them out, turned their buggy around, helped them in again, and suggested that they follow close behind his wagon.

Black walked by their side, most of the time with one hand resting on the buggy, and soon became more interested in the women than in his team. He would step out to say, "Ya Mike!" (Mike was the name of the leader) when he wanted the team to start, and when he thought they had pulled far enough he would say, "whoe." The rest of his time he put in talking to his guests. This had not gone on long until the mules, always alert, discovered that there was something wrong with the driver. They became careless, and finally when one of the hind wheels dropped into a chuck hole, instead of settling down with all their might to keep the wagon moving as they should have done and as they would have done had they not believed that their driver had deserted them, they stopped.

No well regulated, well driven team was supposed to stop, no matter what the obstacle,

until it was told to. Black, consequently, was provoked. With an "excuse me, ladies," he went forward and surveyed the situation. The hind wheel was in a bad place, right up against a ledge of slate rock that crossed the road and from which the lighter material had been worn from the lower side by down teams. To start his load on that grade under favorable conditions required a hard pull; to start with that rock in front of the hind wheel would demand an extraordinary effort. He might knock out the chocky block which ever dragged close under the rear wheel, ready to hold the wagon wherever it might be stopped, and back down, but no good teamster ever backed down. To do this would expose him to the charge of not having his team well trained and would provoke the ridicule of his fellows. No swinging, no backing down. The mules must settle right in their tracks and start the load. These were the rules of the road. Black knew his mules had become careless and he knew every one of them would have to receive a mule lecture before they could be made to realize again that he was

boss and aroused to exert the effort necessary to start his load, but knowing all this he concluded to make one try before resorting to desperate treatment.

He yelled, "Ya Mike!" a little sharper and louder than usual, and after a jingle of the bells they settled down to pull, but the wagon did not start. "Whoe," he said, with an air of disgust, and the mules at once quit pulling. He walked back to the buggy and with a distressed look on his countenance, said:

"I am sorry, ladies, but you will have to drive on."

"Why, what for, Mr. Black?" queried the elderly woman.

"Well, I am in a hard place, and it will require some mule talk to get out of here, and mule talk would not sound very well in the presence of ladies."

"Oh, pshaw! Now don't mind us; just go ahead and say what you please. We don't care, do we Jennie?"

"I don't if you don't," answered the waitress, with a tremor of nervousness in her voice.

"But you don't know," retorted Black, "and I don't know what I might have to do or say to make those mules start that load, and I insist that you drive on."

"Now, Mr. Black, don't ask us to. We don't care. We want to see the mules pull. That's what we came down for. Jennie wants to see them pull, don't you Jennie?"

"I would like to," modestly replied the girl.

"There is no use talking, ladies, you must drive on," earnestly put in the teamster.

"Now, you are real mean. If we don't care I don't see why you should mind. You attend to your team and forget that we are here."

"Won't you go?" asked Black, decisively.

"No; will we Jennie?"

"I don't know," again replied the girl timidly.

"I insist," said Black.

"Well, we insist on staying," said the elderly woman.

"All right. There is only one thing for me to do, and if you ladies are determined to hear the music and see the performance I can't help it. Remember, I didn't invite you and I am

RETURNING FROM THE MOUNTAINS.

not asking you to stay, but unless I want to camp here all night the entertainment must begin."

Thus saying he walked forward to his team, at the same time twisting the lash end of his blacksnake around his right hand to insure a safe hold.

When near the swing mules he let out a broadside oath that was terrifying, and on reaching the leaders, with the vengeance of a mad man, and with a "Mike! you!! you!!! —— —— —— ——," he rose on his tiptoes and landed the butt of his whip on the mules ribs with a blow that resounded through the hills, reverberated down the canyon and echoed back from the neighboring cliffs like the report from a piece of muffled artillery. This was repeated, and with each resounding thump from the heavy end of that heavy whip came a string of rare epithets and artistic oaths that fairly turned the sky blue and gave a sulphurous odor to the atmosphere, and caused every living thing within hearing distance to shudder. After nearly killing Mike he passed on to Puss, and

from Puss to Jake, treating each to the same dose, and accompanying the treatment of each with a string of unnamable titles and scientific oaths peculiarly adapted to mules, and this was continued until every animal in the team had received its medicine.

They must be punished in a way that would make an impression which would last awhile for stopping without being told to stop; they must be taught that their driver was still master of the situation, and they must be aroused to a desperate effort in order to start their load from the place they had allowed it to stop.

On completing the rounds Black mounted his saddle-mule and again gave the signal, "Ya, Mike!" In an instant every animal was up against the collar, and with an effort that doubled the knees and brought every mule's breast close to the ground, they jerked that ponderous wagon with its heavy load from its awkward position, and never showed a sign of stopping until the driver said "Whoe!"

The women went down to see mules pull and got more than they expected. They witnessed

such an exhibition of disciplining a mule team as few have ever seen. They heard the most scientific outburst of vulgar profanity that ever fell from a mule driver's lips, for Black was a past master at the art. They saw what only could have been seen, and heard what only could have been heard, on the mountain grades during the teaming era in California.

As soon as Black stopped, the women, taking the outer edge of the grade, drove by and on and out of sight as hurriedly as they could. As they passed opposite from where the driver stood, they appeared to be deeply interested in the canyon scenery. So intent were they, indeed, in viewing the rugged beauties of Nature that they passed and drove away from the teamster without thanking him for the entertainment or even saying "good-bye."

When talking of this incident Black used to say: "Well, they would stay and I guess they got more than they bargained for." On his authority it is also said that so long as he traveled that road, and as often as he afterwards stopped at that house, neither the girl nor the

woman ever afterwards looked him in the eye.

MULE VS. HORSE.

It must not be supposed, of course, that all the teams on the road were composed of fine animals and decorated with fox tails, bear skins and bells. On the contrary, there were some very shabby outfits. The ambition to be a teamster, stimulated by the demand for freighters and the money to be made in the business, prompted some parties with limited means to make a start with any kind of an old rig until their accumulations would enable them to do better. Old creaky wagons were patched up and old broken down horses and mules were gathered together and made to do service. As may be supposed the drivers of such combinations were the butt of a great deal of ridicule.

It happened that two of the very worst of such makeshift teams met one night by accident in the yard at Bishop's Hotel, near Auburn.

In one was a horse that from general appearances might have been turned out by Sir Frances Drake when he first landed on the

shores of the Pacific, and in the other was a mule that from the length of his teeth and the wrinkles over his eyes appeared old enough to have been used in the days when the Mound Builders inhabitated this continent.

The horse had suffered many ailments and carried the marks and scars of hard usage. His ribs stood out like lattice on the windows of a country house; his saw-tooth back was covered with scabs and sores; he had a poke neck, cracked hoofs and stiff and swollen joints; a different limp in each leg gave him a wabbly, winding motion, which, added to the side crook in his neck, left you in doubt as to the direction he was going.

The scars on the mule, if possible, were thicker than on the horse. One of his legs had been broken and set crooked so that the toe of his shoe had to be built on the side of the foot. He had no hair on his tail and little on his body. One eye was knocked out and there was a scum over the other. His ears lopped down by the side of his head, one falling forward and the other backward; several ribs were broken

in, and pressing on his lungs gave to his breathing a sound not unlike the combined snore of ten tired miners.

It further happened that the owners of these two animals were watering them that evening at the same time and at the same trough. The men were strangers to each other. As the creatures drank the man with the mule was looking at the horse, and the man with the horse was looking at the mule. Finally the silence was broken by the mule man, who said:

"Stranger, that horse of yours looks like he might have been brought here by General Sutter."

"I guess he was," replied the horse man; "but if looks are what you go by, your mule must have been brought to this country by Columbus."

"Do you think this mule is older than your horse?" asked the mule man, with some show of feeling.

"Of course he is," confidently replied the horse man.

"Well, he can't outpull him," said the man with the mule.

"I don't know about that," retorted the man with the horse.

"See here, stranger," continued the mule man, "this mule can outpull your horse any day in the week, any place you name, and for any amount."

"He might outpull him," answered the owner of the horse, "but he can't outrun him."

"Yes he can outrun him, too," defiantly replied the owner of the mule."

"I'll bet you a hundred dollars he can't."

"You will," said the mule man, "how far do you want to run?"

"Any old distance you want to, from one mile to a hundred."

"All right," assented the mule owner, "I'll bet you a hundred dollars and put up the money that my mule can beat your horse from here to Sacramento and back."

"Money talks," replied the owner of the horse, at the same time taking a well-filled purse of twenty dollar pieces from his pocket; come right over to the house and we'll put up the stakes."

As they entered the hotel, each jingling a handfull of twenties, the landlord and the assembled teamsters were at once eager to know the cause for the display of so much coin.

This was explained in a few words when the teamsters, always anxious for excitement, and ready to welcome and encourage anything that promised some diversion, became as much interested in the controversy as the principals themselves. They at once began to take sides, and never were racers more carefully scrutinized or more thoroughly discussed by parties desiring to wager on their merits than were those old crowbates by the teamsters and others who assembled in the barroom at Bishop's wayside inn on that balmy September evening.

It was agreed that the race should come off in one week, on a day when it would be convenient for both to meet again at the same place. Each animal must be ridden or driven by it's owner. They were to start on signal from the plaza in Auburn, go to Sacramento, round the 9th Street park, and return to Auburn, the animal arriving first to be the winner. The dis-

tance from Auburn to Sacramento is 35 miles, making the race 70 miles.

The news of this proposed event spread rapidly in all directions. Most of the teamsters and wayside tavern keepers knew the animals, as their scrawny appearance made them objects of interest.

Teamsters had previously discussed the question of the poorest animal on the road but had never been able to agree as to whether this distinction belonged to Mike Beck's horse or George Hudson's mule. There had been no dispute that the title belonged to one or the other, for of all the measly creatures used in the freighting business there were no others so ungainly or dilapidated. If there was to be a race between scrubs, therefore, it was agreed that these of all others were the animals to compete.

A contest among thoroughbreds never aroused more interest than was awakened by this race. Wherever men met it was the theme of discussion and all kinds of calculations were made and speculations indulged in as to which would win. Nearly every man in those days was will-

ing to back his judgment with his money, and, as may be supposed, the betting was fast and furious. The sporting fraternity quit their poker games, their monte and their faro to take a hand in the race, and miners came up from their claims to learn more about the animals and wager their dust on the outcome. As the day for the contest drew nearer the excitement grew higher and the bets larger. Teamsters made their drives so they could attend, and in some cases laid over one or two or even three days rather than miss the fun.

At Sacramento, the turning point in the race, the interest was second only to that along the road and in the mines.

At length the day came and with it the principals and their steeds. Just then they were the most important personages in the country, and had their mounts been of the best imported stock they could not have aroused more interest than was bestowed that day on that old crooked neck horse and that old lop-eared mule.

The crowd that collected to see the start numbered thousands, and all along, between

Auburn and Sacramento, the road was lined with people as it never was before or since.

It had been arranged that a relay of riders should accompany the racers to see that all the conditions were executed according to agreement.

Finally, all was ready, the word given, and away they went; not very fast to be sure, but they went.

The horse was quicker in starting and at once took the lead. They passed up through Chinatown and at the top of the hill the horse was still leading. A rider who left them at the end of the first mile reported that the mule was gradually falling behind. A similar report came from the five mile stake, and still later a rider came with the news that when the horse reached the ten mile post the mule was a good mile in the rear.

All day riders came in with news of the progress of the race and all reports agreed that the horse was getting further and further in the lead.

The backers of the mule grew nervous, while

L. of C.

those who had their money on the horse became hilarious.

When the mule men attempted to console themselves by reminding the horse men that the race was not ended yet, the latter would respond by offering to double their bets at the rate of two to one.

A few of the mule's backers tried to save themselves by hedging, but late in the day there was little mule money at any odds.

It was evening when a courier rode into Auburn on a foaming charger and announced that the horse had rounded the plaza in Sacramento and was two miles on the return before he met the mule. The excitement by this time was running high and the enthusiasm of the horse men knew no bounds. In the midst of the hurrah it was proposed to hire the band (three pieces), and go out and meet "The Conquering Hero."

No sooner said than done; the band was engaged, and everybody expressed a determination to remain up all night, if necessary, to see the end of the conquest and welcome the winner.

Riders were arriving at frequent intervals and though they reported very slow progress on the part of the racers, all confirmed the horse's increasing lead. The mule men were subdued and blue. One miner who had a thousand dollars on the "lop-eared brute" as he called him, with an oath or two in front of the title, said he had been afraid all the time of "that side-wheel leg," and now he was sure it was going to lose his money.

About ten o'clock at night the horse was reported five miles out of town. At once the word was given and in a few minutes the band and the populace started to meet the victor and escort him home in triumph. The procession passed by the Bloomer Ranch, proceeded over Boulder Ridge and down the Long Valley grade. Between the Old Homestead and the Greenwood Toll House they met the horse and his driver. Then a shout went up that reverberated over the hills and awakened the stillness of the night for miles around. The old horse had his nose close to the ground and showed signs of great fatigue. He proceeded very slowly and at fre-

quent intervals stopped as though anxious to give up the contest. At such times the driver, who walked behind, urged him on, often applying the whip as the only means that would induce a forward movement. With the band in the lead and the horse and his proud owner in the middle of the procession, the throng proceeded slowly but joyously back to Auburn.

The mule and his driver for the time being seemed to be forgotten. There was only one thought and that was that the horse would win. Indeed, he had already won, or as good as won, in the estimation of the crowd, and what did they care for the mule or what became of him. In the midst of the joy one fellow chanced to remark:

"I wonder where the old mule is about now?"

"I don't know," was the response.

"And I don't care," put in another.

"Suppose we send back and find out," said a third.

"What's the use," put in the fourth, "he may be in Sacramento yet."

"Yes, or dead and in some other sea-port," laughingly remarked the fifth.

Just at this juncture the procession halted. "What's the matter?" "What have they stopped for?" And other expressions of anxious inquiry immediately arose from a hundred throats.

They were not long in finding out. The horse had stumbled and fallen down. His driver laid on the whip to induce him to rise, but to no avail. Water was sent for but the beast refused to drink. His nose was sponged out and the dust washed from his eyes, and then as many strong men as could get near, after repeated efforts, succeeded in raising him to his feet.

Slowly they were nursing him along, a few steps at a time, with a guard on either side to keep him from falling, and in this way had just reached the top of the grade when all at once a shadow and a shuffling sound came from the rear, and as the sound and the shuffle grew nearer it was discovered, to the horror of the horse men, that they were made by the mule and his driver.

There had been shouts and cheers before, but nothing like those which rose from the few

mule backers who were in the crowd as that old mule steadily but surely came up and, throwing a cloud of dust at every step with that old side-wheel leg, passed the horse and took the lead in the home-stretch.

The band and the crowd proceeded with the mule, while the horse and his driver and a few who had their money on the horse, remained to help and urge the latter along, still hoping that some adversity to the mule might yet enable them to win.

The news of the change of conditions soon reached Auburn. It seemed at first to the mule men too good to be believed. Everybody was aroused and those who had not gone with the first crowd now turned out to meet the mule.

The old brute was pretty tired—very tired, indeed—but whack after whack by the driver with a big stick along his ribs kept him moving, and finally, with his game leg scraping the ground and his wheezened breath almost drowning the band and the cheers, he walked across the starting line, the winner of the race.

The horse laid down again when about a mile

from town. His escort being unable to get him on his feet proceeded to Auburn without him.

The mule was put in a comfortable stall and carefully cared for that night; and the next day, by arrangement of those who had won thousands of dollars on him, he was pensioned on a good pasture for life.

The horse did not rise from the place where his friends had left him. Those who went out next morning to see about his welfare came back with the news that he was dead.

A TEAMSTER CONVERT.

It is contended by ministers and other good people that proficiency in profanity is not a necessary qualification for a successful mule driver. Few who have handled mules considerably will subscribe to this doctrine, and yet I am not going to deny it. Since mules appear to have become so completely woven into our civil as well as our military life, I hope for the sake of morality that it is true, and that in the near future some pious man will undertake to give the world a practical demonstration of the fact.

Campbell P. and Rufus C. Berry were pillars

of the Methodist Church South in the early days when it had few communicants and was struggling for a foot-hold in California. They were good men and lived up to their profession. Campbell, in later years, figured prominently in California politics, being for several terms a member of the Legislature, Speaker of the Lower House, Member of Congress, and United States Sub-Treasurer. It is not recorded whether they were good teamsters, but it is true that they owned a good mule team and hired their brother, Polk, who was yet outside the pale of the church, to drive it.

As the church gathered strength its leaders decided to hold an old-fashioned camp meeting as a further means of proselyting, and a beautiful grove on Bear River, not far from where the town of Wheatland now stands, and within a few miles of the Berry home, was selected as a suitable location.

The news of this coming event spread far and wide and revived many incidents and anecdotes of Methodist camp meetings "back home," as Californians were wont to say in those days.

It was to be something new in this State and all who could spare the time begun to get ready to attend. As the date for the camp meeting drew near the importance of the event grew in interest, and the desire to attend became infectious.

Polk Berry was not exempt from the general fever which pervaded the community, and when he heard many of his fellow teamsters tell of their determination to lay off one trip for the purpose of taking in the camp meeting, he very naturally wanted to lay off one trip and attend the camp meeting also.

He suggested the subject to his brothers, but they evaded a direct reply. While he was away on the succeeding trip, however, they talked the matter over, and as good and religious men they very naturally concluded that for the sake of the paltry $10 or $15 a day which the team might earn during camp meeting week, their relative should not be deprived of the consolation which a few days of association with pious people might give him, and besides there was the chance that such association would incline him to become religious.

It should be said that Polk was young, vigorous and profane. Considering his experience, he was regarded by his associates as extra proficient in epithets peculiar to his calling. His brothers often remonstrated with him against his reckless use of language, and each had said to the other more than once that he wished Polk might see the error of his ways and the folly of his words and join the Church.

When he returned they told him they were anxious for the salvation of his soul and had gladly agreed that he might attend the camp meeting if he would go to the mourners' bench and try and get religion.

Polk rather demurred at the mourners' bench proposition, but time had only increased his desire to go, so when his brothers insisted and reminded him of the sacrifice they were making solely for his spiritual welfare, he reluctantly yielded, fearing that if he should hold out they might change their minds.

The time for the camp meeting came. Polk was there, and during one of the early exhortations, when the preacher was vehemently call-

ing on everybody to come up and be saved, the profane young teamster marched boldly forward amid the "Thank God" expressions of his relatives, and, kneeling in the straw, buried his face in his hands on the bench in front of the pulpit.

At each recurring meeting Polk knelt in the row of other repentant souls, but while one after another "experienced religion," and took their places among the inner circle of exhorters, thus making room at the bench for new penitents, our hero gave not the slightest token of a change of heart until the evening of the third day. Then he raised his head and with his eyes turned Heavenward clapped his hands together and shouted, "hallelujah!"

What a rejoicing among his kinsmen and religious friends! They gathered around the repentant sinner and with shouts and praises proclaimed their happiness, and further gave vent to their feelings by singing,

"I now believe, I do believe,
"That Jesus died for me;
"And through His blood, His precious blood,
"I shall from sin be free."

The next morning Polk hitched up his team

and started again for the mountains. In appearance and action he was a changed man. His features seemed drawn, his countenance pale, his voice subdued. He impressed one as though afraid to speak aloud lest he might unwittingly give vent to a profane expression.

His mules were not slow in discovering that there was something wrong with the driver, and the driver was equally conscious that his team was becoming careless and indifferent to his commands.

On reaching the hills where there was necessity for some pulling Polk rather anxiously remarked to a fellow teamster that some how his mules were not working right and he felt as though every pull would be the last. "They seem to know," he said, "that I have got religion, and I guess they think I will not punish them."

His friend understood the situation and suggested that he talk to them in his usual tone of voice, but use some other language than swear words.

"I have tried that," said the changed teamster,

"but I don't seem to have a vocabulary suitable for the purpose."

In spite of his fears Polk got along the first day without any mishap.

The second day, however, while making a hard gee turn on the Rough and Ready grade, between the town of that name in Nevada County and the old Randolph House, his team stopped unbidden on the hardest part of the hill.

Polk, already pale, as we have said, turned paler. He was an experienced teamster and he knew he was stalled. If the team would stop without his word he knew it was doubtful whether it would start at his command. However, he concluded to make one trial. He was thoroughly conscious that he would have to punish and scold, so he went among them and laid on the whip, accompanying his action with loud but inoffensive words. He then straightened them out and gave the word to start. They pressed up against the collar, but did not move the wagon.

With distress depicted on every line of his

countenance Polk walked back to the teamster who was next behind him and said:

"I wish you would come and swear at my mules for me."

"I would, Polk," said his companion, "but you know it would do no good. They are not used to me any more than they are used to your religion, and you know no new driver can excite their best efforts."

"That is true," responded Polk.

"I will hitch on my leaders and help you up the hardest part of the grade," ventured the friend.

"No you won't," promptly put in the new convert.

"Then what are you going to do?" asked his companion.

"I don't know," replied Polk, "but I know those mules can pull that load. They've pulled bigger loads up this same grade and they can pull that, and I've got a notion to make them do it."

"If you can make them pull out, why don't you?" questioned the other teamster.

"Well, to do it I would have to swear," said Polk, "and I don't want to swear if I can help it."

"So you have concluded your religion and teaming don't go together?"

"I know they don't."

"Then," resumed his friend, "if you have found it out, a fact that I discovered in less than ten minutes after I met you yesterday, you must quit one or the other, and since you can't quit your team until after this trip, I see no alternative but for you to lay aside your religion or let me hitch on and help you along."

"I will make one more trial," said Polk.

The trial was made, but with no better results than before. Mad at the refusal of his mules to respond to his demand he started in again to whip them. As he applied the blacksnake he used language loud and strong but not profane. He was a high tempered fellow and as he whipped and scolded he grew more and more excited. Finally, before he knew it, he let slip an oath.

This was the leak that broke away the dam.

With another oath he swore he didn't care if he did swear. "A man's a fool who thinks he can drive mules without swearing," he yelled, and with these words he threw his hat in one direction and his gloves in another and mounting a rock let forth a volley of oaths that quivered the leaves on the bushes and gave a creepy, cringing feeling to every living thing within hearing distance. The accumulated profanity of a week seemed to belch forth like the pent up stream bursts from the suddenly loosened head-gate.

After thus rehearsing he started with whip and oaths among his mules, and after going the rounds he stepped out and gave the command to go. In an instant every mule buckled to his work and that wagon started as though it were but half loaded.

On reaching home his brother Campbell was at the gate to greet him. The mules wanted to go to the barn, though it was necessary first to drive to the granary where the wagon could be loaded for the next trip.

When the leader refused to promptly obey

the jerk of the single line and the command of the driver to "gee," he swore at her a vehement oath.

"Polk! Polk! What are you saying?" ejaculated his brother with an expression of mingled pain and surprise.

"I'm saying—gee, you ——! ——! ——! ——! I'm saying if you want me to have religion, you'll have to get somebody else to drive this team."

JACK ROBINSON.

Jack Robinson was a teamster and was known far and wide as the most high tempered man in the business. They used to say that when Jack got real mad he lost his mind, and I think there was some justification for this opinion, for he certainly did things that no sane man would be guilty of.

On one occasion he was trying to untoggle a chain and because it did not yield as readily as he thought it ought he took out his pistol and emptied it at the obstinate knot. William Crepps, now a prominent farmer near Wheat-

land in Yuba County, California, probably carries a scar to this day where Jack Robinson, in one of his mad fits, hit him over the head with a piece of heavy scantling. But the worst thing Jack ever did was to cut off a mule's tongue because the animal struck back at him when he was trying to discipline it.

In the matter of profanity, while there were artists of renown and past masters in the profession, Jack Robinson's fame as the most gifted and hair-curling blasphemer on the road was undisputed.

In ordinary conversation he never used a profane or vulgar expression. Naturally, he was polite, good natured and agreeable, and his command of language indicated early educational advantages. As a friend he was true, and as a traveling companion your troubles were his. If he liked you he would stay by you through fortune and failure regardless of inconvenience or expense. There were teamsters who would drive on and leave another in case of a break-down or other mishap, but Jack Robinson was not one of them.

While he was notorious by reason of his blood-curdling profanity and crazy deeds, he was equally noted for his many works of kindness and his polite and courteous manners when in a normal condition.

Though entitled to all the degrees in the Teamsters' Swearing Club, he had peculiar opinions on the subject. He did not believe in using profane words indiscriminately. He was known to say that a fellow who was continually damning this and helling that made himself both offensive and ridiculous. He regarded swearing as a safety valve, a vent, as it were, for the escape of a superabundance of passion, and only justified in the case of great mental distress as a means of relieving the pressure on the brain and thus avoiding the possible rupture of a blood vessel. He would go sometimes a week, or possibly longer, without uttering an oath, but when he did break loose the expressions he used were simply terrifying. He would talk about a gallon of the wrath of Jehovah boiled down to a pint, the hind quarters of his Satanic majesty, the sixteen sections

of purgatory, and other things equally as original and if possible more sacrilegious.

In characterizing something particularly mean he used to say that "if you should pour epicac into hell by the ton for a thousand years it could not spew up anything worse." I have seen this expression attributed to Bob Toombs, of Georgia, but I can imagine no one capable of originating it except the notorious Jack Robinson.

On one occasion Jack was returning from a saw mill, above Nevada City, with a load of lumber. The road was steep and the grade very narrow. The brake was on to the last notch and yet the wagon shoved on his mules. The mountain was so precipitous that in order to get a road wide enough for wagons they had not only to dig out the bank, but to wall up the lower side in some places as much as twenty feet. From the outer edge of the road one could reach out and touch the limbs of pine trees that branched from the main trunk a hundred feet from the ground. On a gee turn in an extra narrow place one of Jack's

brake blocks pulled out. The accident happened without warning, and in an instant the wagon shot forward and went over the embankment. Those mules that were not immediately knocked off struggled and clawed to save themselves, but it was no use, the chains and gearing held them together and the entire outfit, wagon, lumber and mules went tumbling and crashing down the side of that awfully steep mountain.

Jack was on his saddle mule when they went over, but falling close to the wall the mules and the wagon passed over his head and left him comparatively uninjured. As soon as he could straighten himself up he climbed back to the road, and scratching his hatless head with the left hand, stood looking down on the wreck of what a few moments before was a splendid team and wagon, and as he looked and scratched there was omitted from his puckered lips a long, low whistle.

Lumber was scattered down the side of the mountain for at least 500 feet; here and there among the debris was a struggling animal, while most of the wagon and three of the mules,

one with heels straight in the air, were lodged in a heap against a cluster of pine trees.

There were two other teamsters just behind Jack and on coming to the scene of the accident they marvelled to see their companion standing alone on the grade.

"Where is your team?" the first one asked as he drew up.

"Well, sir, they got in a hurry and took a short cut down the mountain," coolly replied Jack, as he pointed to the wreck and resumed his whistling.

The three teamsters climbed down from the grade to make a more critical examination of the results of the accident.

One mule had not been fatally hurt. After chopping out a trail and tearing down the wall of the grade this mule was finally gotten out on the road at a point some distance below the scene of the disaster. The other mules were mangled and dying and were shot to put them out of their misery. The harness and a few tools and traps from the wagon were saved, and with these and the one scarred and limping

and bleeding mule, the latter tied behind one of the other wagons, the party proceeded on their journey.

They stopped that night at Grass Valley. At the hotel the accident was naturally the absorbing subject of discussion and many were the expressions of sympathy for Jack in his great loss, and many were the congratulations at his narrow escape from personal injury.

One hilarious fellow, however, ventured to say that he would bet Jack made the air blue with profanity about the time he straightened himself up and saw what had happened.

"I will bet that is where you are mistaken," replied Robinson.

"Is that so, Jack? Didn't you swear at all?" asked several in chorus.

"No, I did not," said Jack.

"How on earth did you keep from it," eagerly asked one or two who knew him well and knew his failing and who were now thoroughly interested to know how Jack acted under such great provocation.

"Well, I will tell you, boys," answered the

man who was recognized by everybody as being without a rival among the early day teamsters of California in the use of original oaths and nerve-racking profanity, "I never knowingly undertake the impossible, and it only required a glance at the situation to convince me that my vocabulary was far short of being equal to the emergency; but the pressure had to be relieved some how, so I just whistled."

HAIR LIP PETE.

Teamsters in the early days of California, those who did the freighting between the river points in the valley and the mines, were greatly given to boasting. They were, as a rule, skilled in their calling and really did haul big loads, but the disposition to brag was so prevalent that a driver was seldom found who would frankly confess to the true weight of his freight. It was a habit among them when questioned on this point not to hesitate about answering, but with a promptness and assurance indicating candor the teamster would reply, giving, or professing to give, the weight of his load to a

pound, being sure, however, to make the figure large enough to cover the greatest known capacity of a similar team. He would thus not only put himself within the limit of belief, but would the more likely expose to ridicule any one who professed to beat him.

Just exactly what different teamsters did haul was always more or less a question of doubt, and being unknown was naturally the subject of a great deal of discussion.

On one occasion, at the Half Mile House, near Nevada City, a lot of teamsters, seated at the supper table, were speculating on how much this, that and the other Knight of the whip hauled, referring, of course, to absent but well known drivers of good teams, but as they could make little headway in determining what others did, the discussion naturally turned on what they themselves were doing in the way of maintaining the reputation of California teamsters for hauling the biggest loads over the hardest roads with the least number of mules of anybody in the world.

It is not to be supposed that credit to the

business suffered from any lack of skill among the members of that party so long as it was left to them to tell it.

As one after another dilated on his artistic methods of manipulating the string and persuading the mule to the greatest possible exertions, an outsider might have been impressed that he was listening to a dissertation by a party of the most expert mule drivers in America.

The first fellow who asserted the capacity of his load was modestly outdone a little by the next, and he by the next, and so on, until the figures grew almost to the bounds of incredibility. Each, however, assumed to take the others seriously and it was really beginning to appear to the outsider that the man who spoke last was the conveyor of the biggest loads, when finally Newt. Gregory, observing that Pete Miller, who had as fine an outfit as any man on the road, had been a silent listener through all the spirited discussion, asked him how much he hauled.

Now, Pete had a hair lip which interfered

materially with his articulation. He had the knack of making himself understood and feared by his mules, however, and was rated a first-class teamster. By reason of his infirmity of speech, of which he was rather sensitive, he seldom spoke except when he was spoken to. Therefore, to the question of Gregory, he simply looked up and said:

"Me?"

"Yes, Pete," said a half dozen in chorus, "how much do you haul?"

"We' I te' you bo's," said the modest teamster, "I 'ink I 'arry abou' a' mu' on my wa'on a' any o' you, bu' I don' 'ink I 'arry wite so mu' i' ma mou'."

CHAPTER IX.

HIRAM HAWKINS.

IN very early days Hiram Hawkins was Justice of the Peace in Auburn. Hiram was a man who stamped his personality on the community by reason of his strong traits of character. To this day old timers will entertain you with stories about Hi. Hawkins, while the younger generation know about him from the frequent recitals of the things he said and did. He had more brains than is allotted to the average man, and what was more unusual, the gray matter under his cranium was distributed in such proportions as to pretty evenly balance his faculties. He had a good command of language and was an entertaining story teller. A humorous vein run through his composition and he was noted for his high sense of honor. He was withal a man of very strong will. No

argument or influence could swerve him from what he believed to be right. With too much sense to assume to be infallible, he was at the same time keenly alive to the fallibility of others.

On one occasion when an attorney in his court was endeavoring to bolster up a case by frequent quotations from decisions of the supreme court, Hawkins interrupted him to ask:

"What supreme court are you quoting, the court of heaven or the court of earth?"

"The court of earth, your honor; the supreme court of California," replied the surprised attorney.

"If of earth it is human, and being human is liable to err, the same as you and I; and being liable to err it will have little weight with this court against its own opinions, which are as likely to be right—right I say—as the opinions of other fallible creatures. Let the supreme court go, please."

"But," said the lawyer hesitatingly, "think of the eminence and learning of this distinguished tribunal."

"Eminence and learning are not necessarily

synonymous for justice and right. I have heard of learned fools, and it is said that men of prejudice sometimes sit in high places. Present your own case on its own merit, and never mind what others have decided in other cases where unknown influences were exerted or that may not have been precisely similar."

Had Hawkins been less strong his independence might have gotten him into much trouble, but as it was, the people all liked him by reason of his generous nature and affable disposition, and the best of lawyers came to respect him for his integrity and sound judgment. While ignoring the technicalities of the law and while throwing precedent to the winds, as it were, his decisions, as a rule, carried with them such strong justification for the conclusions reached that he was seldom overruled. Indeed, the justice court presided over by Hi. Hawkins became so noted for its "justice" that both attorneys and clients who had a bad case preferred any other magistrate, while those who were conscious of a good case would rather have it tried before Hawkins than anybody.

On one occasion a controversy was brought before him of more than usual importance, and both sides were anxious to obtain the prestige of a favorable decision in Hawkins's court, knowing that in the event of an appeal, which was likely to follow, his decision would have more or less weight with a higher tribunal. Two of the ablest lawyers in Auburn were engaged on one side, and to combat them, the opposition, at considerable expense, brought down two of the best lawyers of Nevada City. All were high-priced men and Hawkins knew it, and he knew also that whether the trial lasted one day or one week their fees would be the same. The examination of witnesses lasted nearly two days, and when it was announced that the testimony was all in the Justice wrote on a little slip of paper, put the slip under the sweat-band of his hat, and then addressing the four lawyers asked them if they desired to argue the case? They concluded that they did, and after a clearing of throats and the inevitable swallowing of water the forensic war began.

As the great men talked they warmed to the

subject, and for two whole days those four bright lawyers engaged in a fierce battle of words. Finally, when they had concluded their arguments and submitted their case, one of the Nevada City lawyers asked about when they might expect a decision.

"Right now," said Justice Hawkins, and reaching for his hat he took the piece of paper from under the sweat-band and read from it the verdict of the Court.

This movement did not escape the notice of the assembled counsel, and one of them ventured to ask:

"If your honor please, when did you write that decision?"

"Just as soon as the testimony was in," answered the Justice.

The lawyers looked at one another in blank astonishment. At last, with an air of unconcealed disgust, one of the Nevada City attorneys who did not know Hawkins so well, said in a tone intended to be crushing in its severity:

"If you had made up your mind, sir, why in

the world did you not say so and let us go home two days ago?"

Hawkins looked at the attorney with an expression more withering than the latter's words, and then, changing his expression to a self-satisfied smile, remarked in a modified tone,

"Don't get excited, my dear sir. I simply wanted to give you gentlemen a chance to earn your money."

CHAPTER X.

THE TWO VERDICTS.

VIRGINIATOWN, in Placer County, on the Auburn Ravine, in the lower foothills, was in early days one of the richest placer mining camps in California. In local politics Virginiatown had to be considered, for in the days of its zenith it and Gold Hill, in the same locality, cast more votes than any other towns in the county.

To-day the main street forms part of a country highway with here and there a rough unused granite hitching-post along its borders to mark where the town once stood; the buildings and the miners are all gone. The hills and dales surrounding this historic spot are now covered with thrifty orchards and beautiful homes, and mining is only a memory. The Chinaman was the last to lay down the pick and shovel, but even he in time exchanged

these implements for the hoe and the pruning hook. Mining has taken on a different character and moved further back into the mountains.

In the palmiest days of mining a few people in or near Virginiatown, tempted by the great demand for pork among the Chinese, went extensively into the business of raising hogs. It was here that P. D. Armour, afterwards the great pork king of Chicago, made his first money out of swine.

The hills were covered with oaks and the oaks were covered with acorns, and from these and other sources hogs fed and fattened.

In those same hills there were some deer and an occasional bear and other large game. It was a common occurrence for a miner to take a day off for the purpose of enjoying a hunt. He seldom returned empty handed. If he failed to bag a bear or a deer he would turn his rifle on a hog, and thus the mining camps in that neighborhood soon became famous as favorite hunting grounds.

The hog men protested, but to no avail. Finally, they succeeded in electing one of their

number, by the name of John Bosquit, to the office of Justice of the Peace. Thus fortified, they were not slow in filing complaints against some of the most successful "bear" hunters.

When these parties were arrested and brought into court they availed themselves of their prerogative and at once demanded a jury trial. It took some time to secure twelve good men and true who were satisfactory to both sides, for while the defense was partial to the hunting fraternity, the prosecution objected to every man who was known to carry a gun—that is, a hunting gun.

At length a jury was sworn in with Bill Honn, a character as determined as he was profane, as foreman, and one of the defendants was put on trial. This was to be a test case and the camp and all the country round about was thoroughly wrought up over the outcome. Miners quit work and people came in from the country to hear the trial. The courtroom was crowded to the door and several hundred men were in the street unable to gain admission.

There were whisperings that there was not a

hog killer on the jury, while others looked wise and said there were plenty of men in the jury box who had eaten hog.

The burden of testimony was against the defendant, and there were hog raisers in the audience who would have bet two to one on a conviction. Indeed, a few bets were made at these odds. Finally, when the evidence was all in and the arguments concluded, Justice Bosquit instructed the jury, concluding with these words: "Anticipating your conclusions, gentlemen, I have prepared a verdict."

He handed to the foreman a slip of paper not more than half an inch wide and as long as the width of a letter sheet, on which was written, "We, the jury, find the defendant guilty."

The jury was then informed that it might retire for deliberation. As soon as out of hearing of the court they read what the Judge had written and with almost one acclaim protested that they would not stand for a verdict of guilty, and that no court could bulldose them.

In less than five minutes they had determined among themselves to acquit the defendant and

requested one of their number, who was known to be a good penman, to prepare the findings. Then they made a discovery. They had no pen, no ink, and no surplus paper. The Justice had been careful to leave no blank space on the piece he had given them. In the crowd was one pencil but no one had a scrap of paper. To go back to the courtroom for some would expose their intentions. Finally, in this dilemma, one of them suggested that they write their verdict on the back of the slip that contained the verdict of the Judge. This idea was accepted, and accordingly on the reverse side they wrote: "We, the jury, find the defendant *not* guilty."

Having thus triumphed over the studied obstacles of the court to defeat their possible determination to prevent the punishment of one of their friends for no other offense than "mistaking a hog for a bear," as the defendant's attorney had put it, they returned to the trial-room to report their conclusions. In the haste and excitement of their preparations they neglected to erase what the Justice had written.

The court and the people were waiting for them, and after calling to order the Justice asked if they had agreed on a verdict. "We have, your honor," promptly responded the foreman, at the same time handing back the slip of paper. The Justice looked it over, read to himself, turned it over and read again. Finally, addressing the jury, he said:

"Is this your verdict, gentlemen?"

"It is, your honor," responded the foreman.

"Then," said the Justice, "the Clerk will please record," and with the paper before him he read aloud: "We, the jury, find the defendant guilty."

"Hold on there, Judge; hold on!" put in foreman Honn, excitedly. "That, Judge, is your verdict; you will find ours, sir, on the other side of the paper."

CHAPTER XI.

HEARTS WERE TRUMPS.

THIS is not a story of early mining days in California, but of early railroad days.

The Central Pacific Railroad Company was running trains across the Sierra Nevada Mountains, and doing a big business by way of Reno with Virginia City, in the State of Nevada.

Sacramento was the Western terminus, and the depot on Front Street in that city was a busy place, especially during the arrival and departure of passenger trains, when people gathered to say a last good-bye to parting friends, or perhaps to meet those who were due to arrive. Still others were attracted to the depot out of idle curiosity just to see the trains come in.

There has always been an unexplainable fascination about arriving and departing trains

since the beginning of railroading, that has attracted idle people to the depots at train time, just as the same class of people used to gather at the town tavern to see the stage come in.

In the days of our grandfathers the arrival of the stage was a great event in some of the quiet western towns, so much so that on occasions villagers quit their work, and on holidays farmers drove to town with their boys and girls, just to see the stage come in. Brick Pomeroy has told us of the boy who went with his father to see the stage come in on an occasion when there were two passengers, a man and a dog, the man rode and the dog walked.

Among those attracted by idle curiosity to the Sacramento depot one day was a young minister who had recently arrived in California from England. He was neatly attired and had a kindly face, and the cut of his garb proclaimed his calling. After the train pulled out most of the people who had gathered there departed for their homes, but the minister still strolled leisurely up and down the platform.

A well dressed and comely young woman,

with a satchel in one hand and a small bundle done up in a shawl-strap in the other, came hurriedly across the street and rushing up to the stranger asked, with an expression of great anxiety, if the train had gone.

"A train has just pulled out, madam; what train did you want?"

"The train to Reno."

"Well, I am sure I cannot tell you whether that train goes to Reno or not, but I will inquire."

So saying the minister stepped over to the ticket office and in a moment returned with the information that it was the Reno train which had just departed.

"Oh, what shall I do! What shall I do!" exclaimed the young woman, and the big tears came to her lustrous brown eyes and rolled involuntarily down her pink cheeks as between sobs she told that the following evening she was to be married at Virginia City to the best man in the world, that great preparations were making for the wedding, and that if she disappointed him she knew he—boo hoo—would never—never forgive her.

"Say," she broke in, "won't you ask that man on the engine to take me in the cab with him and catch the train? Do, please, I will pay him!"

The young Englishman's sympathies were thoroughly aroused. Little as he knew of the customs of this country—and especially this Western part of the country—he knew it was a bold request, but just at that moment, for that beautiful, tear stained, suffering girl he felt that he would do anything in his power, so walking over to the engineer who was seated on a big, fine, high wheeled, puffing, panting locomotive, he asked if for pay he could take the lady aboard and overtake the Reno train.

"Not much," replied the engineer, "if I should do anything like that I would be fired in a minute."

"Fired? fired?" queried the Englishman; "surely, you don't mean to say that they burn people here if they depart from the rules of the company?"

"No, not exactly that," put in the railroad man, "but they would certainly take my head off."

"Head off! How shocking! I can't conceive of such a thing! Take a man's head off, and simply for departing slightly to perform a humane act. I am astonished."

These ejaculations by the minister were directed partly to the engineer and partly to the anxious, tearful young woman, who by this time had come up to join in the negotiations. Noting her friend's agitation she said through her tears:

"No, they don't do that; you don't understand him."

"No," broke in the man on the engine, with a smile at the credibility of the stranger, "I don't mean that they'd kill anybody. They'd simply give me my walking papers."

Turning to the lady the Englishman said:

"This man is certainly a mystery."

Then to the engineer: "Am I to understand the meaning is that you would be reduced in grade; be compelled to walk, as it were?"

"No, no, I mean that I would simply get the G. B."

"And, pray, what is the G. B.?"

"Why, the G. B. is the grand bounce; what do you suppose it is?"—

"What is the trouble? What is this dispute about? Why is this young woman in tears?" asked a portly, pleasant faced man as he stepped up, having been attracted by the distressed and anxious countenance of the lady.

Explanations were hurriedly made, when the new arrival said to the engineer,

"Why don't you take her? It is not too late yet."

"Because I can't."

"Why can't you?"

"Because if I do anything like that without orders I will get bounced, sure."

"Who do you get your orders from?"

"Filmore—J. A. Filmore."

"Say, you take this girl and put her on that train and help her to meet her engagement and I'll square it with Filmore."

"But suppose you can't?"

"But I can."

"Are you an officer of the road?"

"No, but I am a friend of Filmore."

"May I ask your name, please?"

"Yes, sir; my name is Wheeler, Cy. Wheeler."

"A member of the firm of Booth & Co.?"

"That's it. I am that man."

"But suppose you can't square it with Fil-more?"

"If I can't, you shall not suffer. I will take care of you."

"In what way?" What do you mean?"

"I mean if you lose your job by favoring me I will give you a better one."

"All right," said the engineer, "get aboard here girly and dry your tears. If I don't get you there it will be because this locomotive can't run, and I think she can."

"Toot, toot," and she was off, but not before grateful thanks had been profusely expressed by the young woman whose sorrow had so soon been turned to happiness by the bold act of a big-hearted man.

"That was a noble act on your part," said the preacher, as the two started to walk away, after watching the engine round the curve above the old water works and pass out of sight.

"Yes, but we will not talk about it now," replied the big, silent member of the firm of Booth & Co., who never relished a discussion of his own deeds. "I must go now and see Mr. Filmore. I have exposed that engineer to danger, and I must protect him, so good day, sir."

"Good day," said the young Englishman, and the two parted.

The man of the cloth went to his quarters to marvel at finding in this far Western land such a splendid character as he had discovered in the accidental acquaintance of the morning, and incidentally to cudgle his brain for the meaning of the "engine driver," as he called him, in protesting that he would "lose his head," and be "fired," and "bounced," etc.

While Cy. Wheeler is walking to Filmore's let me improve the time to say that he was in his day a character as noted as he was popular. When his partner, Newton Booth, was running for Governor of California his opponents used to say they feared Wheeler's popularity more than Booth's finished oratory. He did things often in a crude way but always with the best

intentions. Form with him cut no figure. "Motives, not methods," might have been his motto. He never refused to give money, if the cause appealed to him favorably, for want of a check book, but would write his order on any scrap of paper that happened to be handy, and though his bank protested against this way of doing business he persisted in pursuing the course that to him was most convenient. It is said that he even went so far on one occasion, when a friend asked him for a loan at a place where there was no paper, as to write a draft for $10,000 on a shingle.

When this man with a heart as big as the proverbial water bucket reached Filmore's office he told the latter what he had done and explained the circumstances that had prompted him to do it.

The railroad official listened with increasing astonishment as the narrative proceeded, and when Wheeler concluded by saying, "Now I want you to forgive that fellow," Filmore replied promptly that he could not do it; that he would discharge him at once.

"Then," said the merchant, "I will have to take him and give him a better job."

"Would you put a premium on disobedience?" asked Filmore.

"No; just the contrary. He obeyed me and I can't allow him to suffer for it."

"But he was not in your employ."

"I know it, but it was an emergency case. I possibly did wrong, but if so I erred on the side of charity, and I'll stand by my act."

Filmore, who had a pretty big heart himself, sat as though in deep thought for a few moments and then said:

"See here, Wheeler, this whole proceeding is unusual and extraordinary, something unprecedented in my experience, but I will forgive that engineer this time; I, also, will err on the side of charity; but let me tell you, and remember I mean it, don't ever do such a thing again."

CHAPTER XII.

A TWELVE-YEAR-OLD HERO.

IT was in the fifties, in the fall of the year, when an emigrant wagon with the cover soiled and tattered from hard usage came into Sacramento, the capital city of California. This wagon was drawn by three yoke of oxen, which were thin and scarred from the dreary trip across the plains. Behind the wagon was a small herd of loose cattle, consisting mostly of young cows, driven by a boy on horseback.

While yet in the outskirts of the city, the wagon turned to the side of the street and stopped under the shade of some cottonwood trees that then lined the sidewalk.

Soon after halting a middle-aged woman and a very young woman—mother and daughter, presumably—left the wagon and started down town to do some shopping.

This family, as I afterward learned, left their

train a little above Hangtown (now Placerville) and taking the ridge road had come on alone. They passed through Diamond Springs, Mud Springs and Michigan Bar, but these were small mining camps and afforded little opportunity for procuring articles of feminine apparel.

The journey across the continent in those days was accompanied by hardships and danger, and nearly all new arrivals could tell thrilling stories of suffering and adventure.

In hopes of hearing something interesting I stepped across the street and opened conversation with the man in charge by asking what State he was from, to which he promptly answered, "Iowa." With this much of an introduction we became engaged in a general conversation.

The family embraced seven people, father, mother and five children, and it was the father whom I addressed.

Our talk drifted lightly from one subject to another until finally I asked how the children stood the hardships of the long journey?

"Better than the grown people," was the

prompt reply. "That boy over there," the father continued, pointing to the little fellow on horseback who drove the loose stock, and who was now watching them as they browsed on the short grass that grew along the edge of the sidewalk, "that boy has driven those cattle every day since we started, has herded them in the evenings, and from daybreak until starting time in the mornings, and yet if he is tired nobody knows it."

"He looks like a hardy young fellow," I replied.

"Yes, he is hardy and he is brave, too, if I do say it," continued the father. "He saved the lives of a yoke of these oxen when not a man out of more than twenty in the train would go to the rescue."

This remark aroused my curiosity, so I questioned the parent until I got from him the full details of his son's exploit.

I was the more anxious to hear the story on account of the boy's appearance, which was anything but that of an ideal hero. To me, as he sat on that bony horse, he presented a pic-

ture more suggestive of comedy than bravery. His light, untrimmed hair protruded in tufts through the holes of a hat that slouched until you could not tell where the crown ended or the brim began. Over an old hickory shirt he wore the remnants of a little gray coat, out at the elbows, ripped under the arms, and frayed at the wrists. His short pants were worn through at the knees and torn at the sides. The scratches on his bare legs were thicker than the rips in his trousers, caused by riding after cattle through the brush while coming across the Sierras. His feet were bare and caloused like an Indian's, and on the insteps there were partially healed wind-cracks nearly an inch in length. His hands were tanned, freckled and sore from heat and alkali, his lips were chapped, and his face was scaly with sunburned cuticle falling off to make room for the new and tenderer growth.

Under that slouch hat, however, was a well balanced head, and out of that sunburnt face peered two bright and intelligent eyes, while that sore mouth revealed lines of character

which on close inspection impressed one that the boy had something in him more than a hasty glance at his shabby appearance would suggest.

"You see," said the father, "when we came down the Humboldt the river was very high. It overflowed its banks and water covered the low land from three to four feet deep and in some places for more than a mile wide. The snake-like course of the channel was outlined by willows that then lined its banks. Except for these and an occasional patch of tules or bulbrushes that rose above the flood, the Humboldt bottom was one unbroken sea of water. The soil in that country contains a great deal of alkali, and this in turn impregnates the water. Occasionally we crossed a small tributary stream which came in from the neighboring hills, the water of which was comparatively fresh, but these were so few and far between that most of the time the only water available for man or beast was that of the sluggish river. This was not very palatable at best, but when taken from the main channel where the current

was strongest, it could be used without being boiled. It became necessary, therefore, to select our camping places where the river in its meanderings left the center of the great overflowed bottom land and cut against the higher ground, so the current could be reached without wading. It was at such a place we turned out one day for our noon rest. The oxen were unhitched from the wagons and with their yokes on were turned loose to drink and graze, while the men and women and children partook of their midday meal. At this particular point the bank was about six inches above the water. Most of the cattle managed, by kneeling, to drink without accident, but, whether from a cave or not I cannot say, those leaders somehow slipped off into the river. Several men were standing near, and at once the cry went up that the oxen were lost.

"The Humboldt when high is a very treacherous stream, by reason of its numerous whirlpools, eddies and under currents, caused by the frequent sharp curves in the channel. The captain of the company knew its dangerous

character and had forbidden any one from bathing in it.

"When the cattle slipped off the bank they at once went entirely under the water, but in a moment they came to the surface and, swimming with the current, which was quite strong at this point, they soon passed around the bend and out of sight.

"When the alarm was given Joe came running to the river, and seeing what had happened excitedly asked why some one did not jump in and save those oxen?

"'I wouldn't jump into that river for forty yoke of oxen,' remarked one of the men.

"'Neither would I,' said another.

"'No, it would be suicidal,' put in a third.

"As for me," continued the father, "I cannot swim at all, so it was out of the question for me to try to do anything.

"Joe listened a moment to the comments, and then without saying a word he ran a little to one side and began hurriedly to take off his clothes. By this time his mother was coming from the camp, and on seeing what he was

doing she hastened her pace and began to cry out:

"'Stop that boy, stop that boy, I say! Don't let him go in that river! Do you hear, stop him!'

"The anxiety and fear depicted in her countenance was agonizing. She was frantic as a mother only can be who sees her offspring going to what she believes is certain death.

"But she was too late. I did not know the boy could swim a stroke, and was only aroused to a suspicion of his intentions by the alarming cry of his mother. I then made an attempt to reach him, but he slipped from my grasp, and pulling off his shirt, the only remaining garment, he jumped head first into the swirling, turbulent stream. Coming to the surface he struck off in the wake of the cattle and like the latter was soon around the bend and out of sight. And do you know, the loss of the oxen seemed at that moment as nothing, for I felt that we would never see our boy again. His mother wrung her hands in agonizing grief, the other children who had come up in the mean-

time joined in the weeping, other women shed tears out of sympathy, while strong men stood looking at one another in silence, having no words to express their feelings.

"Finally, to relieve the awful situation, I called out, 'Oh, Joe,' at the top of my voice, thinking if he heard me that he would answer back, but there was no response. He did hear me as he informed us afterwards, but at that moment he had come up to the cattle and was too busy in freeing them from a watery grave to think of or care for anything else.

"After rounding the bend the river flowed back in almost the opposite direction from its course where the cattle went off, and in turning for the shore towards the camp, which the desperate creatures naturally did in a little while, they were trying to land on what was really the opposite side of the river.

"The boy could tell from the wet willows where they left the channel, and he followed this sign. When only the top of the brush was out of water they could swim over it, but as the water became more shallow the willows natur-

ally stood out higher and stronger, and before the poor creatures reached a point in their efforts to land where they could touch bottom, their progress was barred by the strength of the willow stalks that pressed in front of the yoke.

"When Joe came up to them their noses and faces were just above the surface, and, though breathing hard and puffing the water from their nostrils in a desperate struggle for life, they could neither go forward nor backward. They were in a desperate situation and there they would certainly have drowned had it not been for that boy. He had to get the yoke off before they could go forward, and having only one hand free to work with, since he required the other to keep himself above the water, this was a difficult and tedious task. The first ox, he says, was released without much trouble, but immediately the strong willows that had been bent forward under the strain, straightened up and pressed the yoke back against the side of the other ox, and so twisted the bow on his neck that it became almost impossible to work it up sufficiently to loosen the key. Pa-

tience, however, finally rewarded his efforts, and in time,—it seemed a long time to us—we were overjoyed to see him appear with the cattle behind the brush on the opposite bank. They were standing in about four feet of water, but they were alive, the boy and the oxen, and oh, how happy were we at what we felt was their miraculous deliverance. For the moment I was so overjoyed that I begged the boy to swim across and leave the cattle. But he seemed indifferent to my impatience and answered back that he guessed he had better bring the cattle with him, as we might need them to get us to California. He drove the tired, dripping animals to where the river overflowed its banks on both sides so they would be sure of a landing place, and then, starting them into the stream he swam below to make sure they did not drift with the current and miss the point where he knew they could get out with safety. As soon as the cattle were across he turned and swam back.

"'What are you doing? Where are you going?' several of us asked.

"I never will forget how he turned almost on his back as he pushed away from us through that turbulent stream, and in a tone expressive of as much indifference as though he were taking a plunge for pleasure, answered back that he was going after the yoke. We implored him to let the yoke go, but he evidently had made up his mind what to do and we were powerless to prevent him. It developed that he had dragged the yoke through the water to the opposite bank of the river and left it floating where there was no current, while he came across with the cattle. He was not long, therefore, in reaching it, and as he emerged from the brush, dragging after him the article without which he knew the oxen would be of little service, with one hand, and supporting himself above the water with the other, we again begged of him not to jeopardize his life by trying to save something which relatively seemed to be of little consequence. Our entreaties had no effect. He seemed determined to finish his self-assumed task in his own way. For while we were begging and beseeching, like the people

at a hanging who are usually much more excited than the chief performer, he pushed out into the stream, and holding to the yoke, which floated below him, with the right hand, he paddled with his left and came slowly but safely across the river.

"His mother, whose tears of anguish were now turned to tears of joy, tried to catch him to caress him, but he slipped from her attempted embrace, and grabbing up his clothes, ran into the tules to dress.

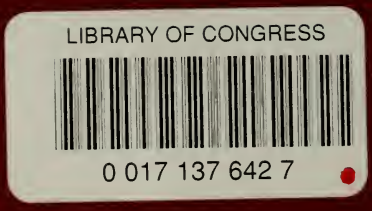
"And do you know, stranger," continued the father in a voice expressive of some emotion, "without those cattle I do not know how we would have gotten through to California. On the forty-mile desert, between the sink of the Humboldt and the Carson River, the sand is very deep and dry and hot, and at times it seemed as though three yoke of oxen were not going to be able to pull us through. I have often thought that if those cattle had drowned in the Humboldt River, some of us would have left our bones to bleach on the Humboldt desert.

"Where did he learn to swim, do you say? That's what I asked him, and he answered, anywhere he could find water that was deep enough. He tells me also that very often after going in swimming he would sit in the sun until his hair was dry and then comb it out with his fingers for fear I would find it out. I shall encourage my smaller boys to learn to swim."

PUBLISHED BY THE AUTHOR.

DEC 23 1903

Untold Tales
of
California


LIBRARY OF CONGRESS
0 017 137 642 7